

## Chapter 112

### FLOODPLAIN MANAGEMENT

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| § 112-1. Title.  | § 112-12. Appeals.  |
| § 112-2. Intent.   | § 112-13. Identification of floodplain areas.                 |
| § 112-3. Abrogation and greater restrictions.            | § 112-14. Technical provisions.                               |
| § 112-4. Warning and disclaimer of liability.            | § 112-15. Elevation and floodproofing requirements.           |
| § 112-5. Building permits.                               | § 112-16. Design and construction standards.                  |
| § 112-6. General application requirements.               | § 112-17. Development which may endanger human life.          |
| § 112-7. Application requirements for flood-prone areas. | § 112-18. Special requirements for manufactured homes.        |
| § 112-8. Inspection and revocation.                      | § 112-19. Prohibited activities.                              |
| § 112-9. Certificate of occupancy.                       | § 112-20. Existing structures in identified floodplain areas. |
| § 112-10. Fees.  | § 112-21. Variances.  |
| § 112-11. Violations and penalties; enforcement.         | § 112-22. Definitions; word usage.                            |

[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 8-18-1992 by Ord. No. 92-7. Amendments noted where applicable.]

#### GENERAL REFERENCES

Authorities — See Ch. 7.  
Building construction — See Ch. 80.  
Sewers — See Ch. 164.

Subdivision and land development — See Ch. 180.  
Zoning — See Ch. 204.

#### § 112-1. Title.

This chapter shall be known as the "North Middleton Township Building Permit Ordinance."

#### § 112-2. Intent.

The intent of this chapter is to:

- A. Promote the general health, safety and welfare of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize the danger to public health by protecting water supply and natural drainage.

- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

**§ 112-3. Abrogation and greater restrictions.**

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

**§ 112-4. Warning and disclaimer of liability.**

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

**§ 112-5. Building permits.**

- A. No building in any district shall be erected, reconstructed or restored or structurally altered without a building permit duly issued upon application to the township; provided, however, that no such building permit shall be required for building construction or restoration costing less than \$200. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this chapter. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect, without the necessity for any proceedings or revocations or nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.
  - (1) Notwithstanding any other provision of this chapter, a building permit is required for all development (as defined in § 112-22), all new construction and restoration in a designated Floodplain Conservation District, regardless of the cost.
- B. Prior to the issuance of any building permit, the Building Permit Officer 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 537 of 1966, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 325 of 1978, as amended); the Pennsylvania Clean Streams Act (Act 394 of 1937, as amended); and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. 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 township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the township prior to any alteration or relocation of any watercourse.
- D. No building permit shall be issued for the construction of any building without the applicant first obtaining a sewer connection permit from the Carlisle Suburban Authority, its agent or successor, or obtaining a permit for an individual or community sewage disposal system.
- E. No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway.
- F. No building permit shall be issued for any building to be used for any special use in any district where such use is allowed only by approval of the Zoning Hearing Board unless and until such approval has been duly granted by the Zoning Hearing Board.
- G. The building permit application and all supporting documentation shall be made in triplicate. On the issuance of a building permit, the township shall return one copy of all filed documents to the applicant. In addition, 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.
- H. The township shall, within 10 days after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the township shall state in writing to the applicant the reasons for such denial.
- I. 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.
- J. Every building permit shall expire if the work authorized has not commenced within six months after the date of issuance or has not been completed within 18 months from such date for construction costing less than \$1,000,000 and has not been completed within 36 months from such date for construction costing in excess of such amount. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of 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.

- (1) If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Board of Supervisors may authorize, in writing, extensions of either time periods stated above for additional six-month intervals, providing the applicant, prior to each request for an extension, adequately documents to the Board that the delays are a result of circumstances beyond his control.
- (2) The holder of a building permit shall notify the Zoning Officer after the foundation is staked in the field and before excavation is begun for approval of the building's location.

**§ 112-6. General application requirements.**

Every application for a building permit shall be filed on a form provided by the township, be accompanied by the required fee and by a plot plan drawn to scale and signed by the person responsible for such drawing. The plot plan shall contain, as a minimum, the following information:

- A. The actual shape, dimensions, radii, angles and area of the lot in which the building is proposed to be erected, or of the lot in which it is situated, if an existing building;
- B. The exact size and locations on the lot of the proposed building or buildings, or alteration of an existing building, and of other existing buildings on the same lot;
- C. The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot;
- D. The existing and intended use of all buildings, existing or proposed, the use of land, the number of dwelling units the building is designed to accommodate; and
- E. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.

**§ 112-7. Application requirements for flood-prone areas.**

- A. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
  - (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

- B. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:
- (1) A completed Building Permit Application Form;
  - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (a) North arrow, scale and date;
    - (b) Topographic contour lines, if available;
    - (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - (d) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
    - (e) The location of all existing streets, drives and other accessways; and
    - (f) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
  - (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (a) The proposed lowest floor elevation of any proposed building, based upon National Geodetic Vertical Datum of 1929;
    - (b) The elevation of the one-hundred-year flood;
    - (c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and
    - (d) Detailed information concerning any proposed floodproofing measures.
  - (4) The following data and documentation:
    - (a) A document, certified by a registered professional engineer or architect, which states that the proposed construction of development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
    - (b) Detailed information needed to determine compliance with § 112-16F, Storage, and § 112-17, Development which may endanger human life, including:

- [1] The amount, location and purpose of any materials or substances referred to in §§ 112-16F and 112-17, which are intended to be used, produced, stored or otherwise maintained on site; and
  - [2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in section during a one-hundred-year flood;
- (c) The appropriate component of the Department of Environmental Protection Planning Module for Land Development;
  - (d) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- (5) 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.
  - (6) Review of application by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals for review and comment.

**§ 112-8. Inspection and revocation.**

- A. During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He may make as many inspections during and upon completion of the work as are necessary.
- B. 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.
- C. 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 may revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- D. A record of all such inspections and violations of this chapter shall be maintained.

**§ 112-9. Certificate of occupancy.**

- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the township:
- (1) Occupancy and use of a building erected, reconstructed, restored, structurally altered, moved, or any change in use of an existing building;
  - (2) Occupancy, use or any change of use of the land;
  - (3) Any change in the use of nonconforming uses.
- B. On a form provided by the township, application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this chapter.
- C. No certificate of occupancy shall be issued for any special use of a building or of land which requires the approval of the Zoning Hearing Board unless and until such approval has been duly granted. Every certificate of occupancy for which special use approval has been granted or in connection with which a variance has been granted by the Zoning Hearing Board shall contain a detailed statement of any condition to which the approval or variance is subject.
- D. If the proposed use is in conformity with the provisions of this chapter and of all other applicable codes and ordinances, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use shall be issued by the township within 15 days after receipt of a properly completed application. If a certificate of occupancy is denied, the township shall state the reasons in writing to the applicant.
- E. In regard to those uses which are subject to the performance standards procedure, the following requirements shall also apply:
- (1) Any normal replacement or addition of equipment and machinery not affecting the operations of the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.
  - (2) After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the performance standards and other provisions for a period of five days, without bona fide and immediate corrective work, the township shall suspend or revoke the occupancy permit of the use and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated.
  - (3) The township shall investigate any alleged violation of performance standards, and if there are reasonable grounds to believe that a violation exists, the township shall investigate the alleged violation, and for such investigation may employ qualified experts.
  - (4) A copy of written findings shall be forwarded to the Township Supervisors. The services of any qualified experts employed by the township to advise in establishing a violation shall be paid for by the violator, if it shall be determined

that a violation exists, and otherwise by the township. No new certificate of occupancy shall be issued unless such charges have been paid to the township.

- F. A certificate of occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continuance of occupancy and use of the land or building to which it applies.
- G. A record of all certificates of occupancy shall be kept by the township and copies shall be furnished on request to any agency of the township or to any persons having a proprietary or tenancy interest in the building or land affected.

**§ 112-10. Fees.**

- A. Building permit. Fees for building permits shall be established from time to time by resolution of the Board of Supervisors. The schedule of fees established by such resolution shall be available in the Township Office.
- B. Mobile homes. The owner of any mobile home used for recreational purposes, and not in a mobile home park, shall obtain a permit hereunder for a fee as set from time to time by resolution of the Board of Supervisors prior to the placement of such mobile home. Such fee shall be in lieu of any other building permit required hereunder.

**§ 112-11. Violations and penalties; enforcement.**

- A. Notices. Wherever the Building Permit Officer or other authorized representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
  - (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 30 days for the performance of any act it requires;
  - (4) Be served upon the property owner or his agent as the case may require; provided however that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and
  - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter, or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality or who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules

of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

- C. The owner, general agent or contractor of a building, premises or part thereof in which such a violation has been committed or does exist shall be guilty of such an offense.
- D. Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall also be guilty of such an offense.
- E. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Board of Supervisors to be a public nuisance, and abatable as such.

#### § 112-12. Appeals.

- A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this chapter may appeal to the Board of Supervisors. Such appeal must be filed in writing within 30 days after the decision or action of the Building Permit Officer.
- B. Upon receipt of such appeal, the Board of Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this commonwealth, including the Pennsylvania Flood Plain Management Act.<sup>1</sup>

#### § 112-13. Identification of floodplain areas.

- A. Identification. The identified floodplain area shall be those areas of North Middleton Township which are subject to the one-hundred-year flood, as identified in the Floodway Boundary Maps and in the Flood Insurance Study (FIS), prepared for the township by the Federal Emergency Management Agency (FEMA), dated April 1, 1982, or the most recent revision thereof.
- B. Description of floodplain areas.

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1. Editor's Note: See 32 P.S. § 679.101 et seq.

- (1) The identified floodplain area shall consist of the following specific areas:
    - (a) FW (Floodway Area): the areas identified as Floodway in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. For the purposes of this chapter, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point.
    - (b) FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year-flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
    - (c) FA (General Floodplain): the areas identified as Zone A in the FIS for which no one-hundred-year-flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
  - (2) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the township.
- C. Changes in identification of area. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- D. Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

**§ 112-14. Technical provisions.**

- A. Within any FW (Floodway Area), the following provisions apply:

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

**§ 112-15. Elevation and floodproofing requirements.**

- A. Residential structures. Within any identified floodplain area, the lowest floor (including basement) of any new residential structure, or any substantial improvement to an existing residential structure, shall be at least 1 1/2 feet above the one-hundred-year-flood elevation. Fully enclosed spaces below the lowest floor shall be prohibited; unless:
- (1) If such areas are usable solely for parking of vehicles, building access or storage in an area other than a basement; and
  - (2) Such enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- B. Nonresidential structures.
- (1) Within any identified floodplain area, the lowest floor (including basement) of any new nonresidential structure, or any substantial improvement to an existing nonresidential structure, shall be at least 1 1/2 feet above the one-hundred-year-flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited, except as provided in Subsection A above.
  - (2) Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-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 which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

**§ 112-16. 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 15 feet beyond the building line from all points;
- (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Building Permit Officer; and
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure 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 infiltrations of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (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 of it, or contaminations from it, during a flood.

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

- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in § 112-17, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, walls and ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and adhesives.
- (1) Paints or other finishes used at or below the regulatory flood elevation shall be of 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 finishing material.
- K. Electrical components.
- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year-flood elevation.

- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

**§ 112-17. Development which may endanger human life.**

- A. In accordance with the Pennsylvania Flood Plain Management Act<sup>2</sup> and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, or any of the following dangerous materials or substances on the premises; or will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
  - (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.

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2. Editor's Note: See 32 P.S. § 679.101 et seq.

- (14) Potassium.
  - (15) Sodium.
  - (16) Sulphur and sulphur products.
  - (17) Pesticides (including insecticides, fungicides and rodenticides).
  - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any FW (Floodway Area), any structure of the kind described in Subsection A above shall be prohibited.
- C. Where permitted within any 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 1 1/2 feet above the one-hundred-year flood; and
  - (2) Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
- D. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

**§ 112-18. Special requirements for manufactured homes.**

- A. Within any FW (Floodway Area), manufactured homes (mobile homes) shall be prohibited.
- B. Where permitted within any identified floodplain area, all manufactured homes (mobile homes), and any additions thereto, shall be:
- (1) Placed on a permanent foundation;
  - (2) Elevated so that the lowest floor of the manufactured home (mobile home) is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
  - (3) Anchored to resist flotation, collapse, or lateral movement.

**§ 112-19. Prohibited activities.**

The following activities shall be prohibited within any identified floodplain area:

- A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals.
  - (2) Nursing homes.
  - (3) Jails or prisons.
- B. The commencement of or any construction of a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

**§ 112-20. Existing structures in identified floodplain areas.**

- A. The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Subsection B below shall apply.
- B. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
- (1) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one-hundred-year flood.
  - (2) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
  - (3) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

**§ 112-21. Variances.**

- A. If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the township may, upon request, grant relief from the strict application of the requirements.
- B. Variance procedures and conditions.
- (1) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.
  - (2) Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development which may endanger human life (§ 112-17).

- (3) If granted, a variance shall involve only the least modification necessary to provide relief.
  - (4) In granting any variance, the township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
  - (5) Whenever a variance is granted, the township shall notify the applicant in writing that:
    - (a) The granting of the variance may result in increased premium rates for flood insurance; and
    - (b) Such variances may increase the risks to life and property.
- C. In reviewing any request for a variance, the township shall consider, at a minimum, the following:
- (1) That there is good and sufficient cause;
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant;
  - (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.
- D. A complete record of all variance requests and related actions shall be maintained by the township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- E. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

**§ 112-22. Definitions; word usage.**

- A. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.
- B. Specific definitions. As used in this chapter, the following terms shall have the meanings indicated:

**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 manufactured 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.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, the placement of manufactured homes, street and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

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

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

**FLOOD-PRONE 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 nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

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

**LAND DEVELOPMENT** —

- (1) The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) A group of two or more buildings; or
  - (b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;  
or
- (2) A subdivision of land.

**MANUFACTURED HOME/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. For floodplain management purposes, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. For the purposes of this chapter, the terms "manufactured home" and "mobile home" are considered synonymous.

**MANUFACTURED HOME PARK** — A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes/mobile homes for nontransient use.

**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.

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

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

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

**STRUCTURE** — Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes and other similar items.

**SUBDIVISION** — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.