

ARTICLE V

CONSTRUCTION IN FLOODPRONE AREAS

History: Adopted by the Board of Supervisors of Center Township, as Ordinance No. 89-65, May 10, 1989, as amended by Ordinance No. 2004-12-11, December 8, 2004.

§2-501. Intent

The intent of this Article 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.
- E. Comply with Federal and State floodplain management requirements.

§2-502. Applicability

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 100-year floodplain identified in the Center Township Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development Federal Insurance Administration or on a lot or parcel of property containing a floodplain area so identified unless a building permit has been obtained from the Center Township Zoning and Enforcement Officer (hereinafter called the Building Code Official) or his Deputy.

§2-503. Abrogation and Greater Restrictions

This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other regulations 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 Article, the more restrictive shall apply.

§2-504. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Article 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 Article

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.

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

§2-505. Building Permits Required

Building permits shall be required before any construction or development is undertaken within any area of the Township, anywhere within the 100-year floodplain identified in the Center Township Flood Insurance Study prepared by the Federal Emergency Management Agency.

§2-506. Issuance of a Building Permit

- A. The Center Township Building Code Official, or his Deputy shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformity with the requirements of this and all other applicable codes and ordinances.
- B. The Building Code Official shall be responsible for determining whether a property or a portion thereof proposed for development or improvement is within the floodplain and what measures must be taken to meet the requirements of this Article. Any grading or filling of land even though no building construction is contemplated shall require a permit.
- C. When permits or approvals are required by other governmental agencies according to applicable laws and regulations of those agencies, the developer must obtain and furnish documented proof of the required permits and/or approvals including the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act (Section 404, 33, U.S.C. 1334, as amended). No permit shall be issued until this determination has been made.
- D. 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.
- E. In addition, the Federal Insurance Administration and Pennsylvania Department of Community and Economic Development, Local Government Center, shall be notified by the Township prior to any alteration or relocation of any watercourse.

§2-507. Application Procedures and Requirements

- A. Application for such a building permit shall be made in writing, to the Building Code Official, on forms supplied by the Township. Such application shall contain the following:
1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location.
 5. Listing of other permits required.
 6. Brief description of proposed work and estimated cost.
 7. A sketch plan of the site showing, with accurate dimensions, the exact size and location of the proposed construction as well as any existing buildings or structures.
 8. All the necessary information, in sufficient detail and clarity, to enable the Building Code Official to determine that all proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances; all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 2-527) as may be required by the Building Code Official to make the above determination:

- a. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following: (1) north arrow, scale and date; (2) topographic contour lines at one foot (1') or two foot (2') intervals; (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet; (4) the accurate location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development; (5)

the location of all existing streets, drives, and other accessways; and (6) the location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to floodway fringe and floodway, and the flow of water including direction and velocities.

- b. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (1) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929; (2) the elevation of the one hundred (100) year flood; (3) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood; and (4) detailed information concerning any proposed flood-proofing measures.

- c. If the proposed building structures and other improvements are to be located within the 100-year floodplain or at an elevation less than one and one-half feet (1-1/2') above the 100-year flood surface water elevation, the following data and documentation:
 - (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood, assuming the water surface is one and one half feet (1-1/2') above the 100-year flood elevations computed in the Federal Insurance Administration study or as subsequently recomputed in accordance with other sections of this Article (such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development); and which states that the cumulative effect of any proposed development within an AE Area/District (Zone), when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one foot (1') at any point;

§2-508. Placards

In addition to the building permit, the Building Code Official shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance, and be signed by the Building Code Official.

§2-509. Start of Construction

Work on the proposed construction and/or development shall begin within three (3) 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 Building Code Official. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Code Official to approve such a request.

§2-510. Inspection and Revocation

- A. During the construction period, the Building Code or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and regulations. He shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Code Official 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 Article.
- C. In the event the Building Code Official discovers that the work does not comply with the permit application or any applicable laws and regulations, or that there has been a false statement or misrepresentation by any applicant, the Building Code Official shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- D. A record of all such inspections and violations of this Article shall be maintained.

§2-511. Fees

Application fees for a building permit shall be as established by resolution of the Center Township Board of Supervisors.

§2-512. Penalties

- A. **Notices:** Whenever the Building Code Official or other authorized municipal representative determines that there are reasonable grounds

to believe that there has been a violation of any provisions of this Article, or of any regulation adopted pursuant thereto, the Building Code Official shall give notice of such alleged violation as hereinafter provided. Such notice shall (1) be in writing; (2) include a statement of the reasons for its issuance; (3) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it 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 Commonwealth.

- B. **Penalties:** Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order or direction of the Building Code or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus costs of prosecution. Each day during which any violation of this Article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including action in equity for the proper enforcement of the Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article 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 Article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

§2-513. Appeals

- A. Any persons aggrieved by an action or decision of the Building Code Official concerning the administration of the provisions of this Article, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Code Official.
- B. **Enforcement of Decision:** The Building Code Official shall take immediate action in accordance with the decision of the Board.
- C. **Court Review:** Any person aggrieved by a decision of the Board of Supervisors, whether or not a previous party to the decision, or any officer or official board of the jurisdiction, may apply to the appropriate court for a writ of certiorari to correct errors of laws in such decisions.

Application for review shall be made to the proper court of jurisdiction within fifteen (15) days after the filing of the Board's decision in the office of the Building Code Official.

§2-514. Identification of Floodplains

The identified floodplain areas shall be those areas of Center Township which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated June 19, 1989, or the most recent revision thereof.

§2-515. Description of Floodplain Areas/Districts

- A. Zone AE: The AE Area/District shall be those areas identified as an AE Zone in the FIS prepared by FEMA and for which 100-year flood elevations have been provided in the FIS.
- B. Zone A: The A Area/District shall be those areas identified as an A Zone in the FIS prepared by FEMA and for which no 100-year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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

§2-516. Changes in Floodplain Area Delineations

The areas considered to be floodplains may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

No modification or revision of any floodplain area identified in the Flood Insurance Study shall be made without prior approval from the Federal Emergency Management Agency (FEMA).

§2-517. Boundary Disputes

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Building Code Official with assistance from the

Township Engineer and any party aggrieved by such decision may appeal to the Board of Supervisors.

Any hydrologic and hydraulic analysis undertaken by the appellant shall be provided only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used reflect currently accepted technical concepts. Studies, computations, and support data shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Federal Emergency Management Agency (FEMA).

§2-518. Technical Provisions

- 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 Township.
- B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
- C. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot (1') at any point.
- D. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty feet (50') landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

§2-519. Special Requirement of the AE Area/District

Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot (1') at any point.

§2-520. Elevation and Flood-Proofing Requirements

- A. **Residential Structures:** Within any identified floodplain areas, and on lots or parcels of land containing these areas, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one-half feet (1-1/2') above the 100-year flood elevation.

B. Nonresidential Structures: Within any identified floodplain areas, and on lots or parcels of land containing these areas:

1. The lowest floor elevation (including basement) of any new or substantially improved nonresidential structure shall be at least one and one-half feet (1-1/2') above the 100-year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height; and
2. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard for that type of construction.

C. All Structures (Residential and Nonresidential): For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding 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 and must meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for each square foot of enclosed areas subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot (1') above grade;
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

§2-521. Design and Construction Standards

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

A. Fill: If fill is used, it shall:

1. Extend laterally at least fifteen feet (15') beyond the building line from all points;

2. Consist of soil or small rock materials only (sanitary landfills shall not be permitted);
 3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to and approved by the Building Code Official; and
 5. Be used to the extent to which it does not adversely affect adjacent properties.
- B. **Drainage:** Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. 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:** The following provisions apply:
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; and
 3. No part of any on-site sewage systems shall be located within any identified floodplain area except in strict compliance with all State and local requirements 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 to it, or contamination from it, during a flood.
- E. **Streets:** The finished elevation of all new streets shall be no more than one foot (1') below the Regulatory Flood Elevation.
- F. **Storage:** All materials that are buoyant, flammable, explosive or, in time of flooding, could be injurious to human, animal, or plant life, and not listed in Section 2-522, Development Which May Endanger Human Life,

shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.

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

H. **Anchoring:** The following provisions apply:

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement; and
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:** The following provisions apply:

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; and
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:** The following provisions apply:

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or “water resistant” quality;
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water resistant” quality; and

3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a “marine” or “water resistant” paint or other finishing material.

K. Electrical Components: The following provisions apply:

1. Electrical distribution panels shall be at least three feet (3') above the 100-year flood elevation; and
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment: Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems: All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems 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.

§2-522. Development Which May Endanger Human Life

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

1. Will be used for the production or storage of any of the following dangerous materials or substances; or
2. Will be used for any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
3. Will involve the production, storage or use of any amount of radioactive substances;

shall be subject to the provisions of this Article, in addition to all other applicable provisions.

The following list of materials and substances are considered dangerous to human life:

- a. acetone

- b. ammonia
- c. benzene
- d. calcium carbide
- e. carbon disulfide
- f. celluloid
- g. chlorine
- h. hydrochloric acid
- i. hydrocyanic acid
- j. magnesium
- k. nitric acid and oxides of nitrogen
- l. petroleum products (gasoline, fuel oil, etc.)
- m. phosphorus
- n. potassium
- o. sodium
- p. sulphur and sulphur products
- q. pesticides (including insecticides, fungicides, rodenticides)
- r. radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any identified floodplain areas, any structure of the kind described in subsection A above, shall be prohibited.

§2-523. Special Requirements for Manufactured Homes

- A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of a watercourse.
- B. Where permitted within any identified floodplain areas all manufactured homes and any additions thereto shall be:
 - 1. Placed on a permanent foundation;
 - 2. Elevated so that the lowest floor of the manufactured home is one and one-half feet (1-1/2') or more above the elevation of the 100-year flood; and
 - 3. Anchored to resist flotation, collapse, or lateral movement using:
 - a. Over-the-top ties provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less than fifty feet (50') in length.
 - b. Frame ties provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for

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

- c. Components of anchoring system which shall all be capable of carrying a force of four thousand eight hundred (4,800) pounds.

§2-524. Activities Requiring Special Permits

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township:

- 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: hospitals, nursing homes, 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.

§2-525. Application Requirements for Special Permits

Applicants for special permits shall provide five (5) copies of the following items:

- A. A written request including a completed Building Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100'), or less, showing the following:
 - 1. North arrow, scale and date;
 - 2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet (2');
 - 3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 5. The location of any existing bodies of water or watercourses, building, 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;
 6. The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities;
 7. The location of all proposed buildings, structures, utilities, and any other improvements; and
 8. Any other information which the Township considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
1. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
 2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;
 4. Detailed information concerning any proposed flood-proofing measures;
 5. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 6. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

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

E. The following data and documentation:

1. 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;
2. Certification from a Registered Professional Engineer, Architect or Landscape Architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
3. A statement, certified by a Registered Professional Engineer, Architect, Landscape Architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life;
4. A statement, certified by a Registered Professional Engineer, Architect or Landscape Architect, which contains a complete and accurate description of the effects the proposed development will have on the 100-year flood elevations and flows;
5. A statement, certified by a Registered Professional Engineer, Architect or Landscape Architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on the 100-year food elevations and flows;
6. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development;"
7. 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;
8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

9. Any evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

§2-526. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Section 2-505 through Section 2-513:

- A. Within seven (7) 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 for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- F. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

§2-527. Special Technical Requirements

- A. In addition to the requirements of this Article, 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 this Article 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 one and one-half feet (1-1/2') above the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below this elevation;
 - b. The lowest floor elevation will be at least one and one-half feet (1-1/2') above the 100-year flood elevation; and
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood; and
 - 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 reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

§2-528. Existing Structures in Identified Floodplain Areas

Structures existing in any identified floodplain area prior to the enactment of this Article may continue subject to the following provisions:

- A. No expansion or enlargement of any existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
- B. Any modification, alteration, reconstruction or improvement of any kind to any existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

§2-529. Improvements

The following provisions shall apply whenever any improvements are made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause an increase in the elevation of the 100-year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any AE area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than one foot (1') at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.

§2-530. Modifications

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

§2-531. Modification Procedures and Requirements

- A. No modification shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation.
- B. Except for a possible adjustment of the one and one-half foot (1-1/2') freeboard requirements, no modification shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Sections 2-524 through 2-527) or to Development Which May Endanger Human Life (Section 2-527).
- C. If granted, a modification shall involve only the least adjustment necessary to provide relief.
- D. In granting any modification, 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 Article.

- E. When a modification is granted, the Township shall notify the applicant in writing that:
 - 1. The granting of the modification may result in increased premium rates for flood insurance; and
 - 2. Such modification may increase the risks to life and property.
- F. In reviewing any request for a modification the Township shall consider, but not be limited to, the following:
 - 1. That there is good and sufficient cause;
 - 2. That failure to grant the modification would result in exceptional hardship to the applicant; and
 - 3. That the granting of the modification will neither:
 - a. Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
 - b. Create nuisances, cause fraud on, or victimize the public, or conflict with any other State statute or regulations, or local ordinance or regulation.
- G. A complete record of all modification requests and related actions shall be maintained by the Township. In addition, a report of all modifications granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
- H. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.
- I. No modification shall be granted for any construction, development, use or activity within any AE Area/District that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than one foot (1') at any point.

§2-532. Specific Definitions

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

- A. **ACCESSORY USE OR STRUCTURE:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. **BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all four (4) sides.
- C. **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.
- D. **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.
- E. **CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
- F. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- G. **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.
- H. **FLOOD:** A temporary inundation of normally dry land areas.
- I. **FLOODPLAIN:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- J. **FLOOD-PROOFING:** Any combination of structural and non-structural additions, changes, or adjustment to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- K. **IDENTIFIED FLOODPLAIN AREA:** The floodplain area specifically identified in this Article as being inundated by the 100-year flood. Included would be areas identified as floodway (FW), flood-fringe (FF), Zone A and Zone AE, and general floodplain (FA).

L. LAND DEVELOPMENT:

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

M. LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

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

O. MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

P. MANUFACTURED HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for nontransient use.

- Q. **OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which
1. May impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or
 2. Is placed where the flow of the water might carry the same downstream to the damage of life and property.
- R. **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.
- S. **REGULATORY FLOOD ELEVATION:** The 100-year flood elevation, plus a freeboard safety factor of one and one-half feet (1-1/2').
- T. **SPECIAL PERMIT:** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- U. **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.
- V. **SUBDIVISION:** The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided however, that the division of land for agricultural lease purposes into parcels of more than ten (10) acres not involving any new street or easement of access, shall be exempted.