

- B. A Permit shall not be required for minor repairs to existing buildings or structures.
- C. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development within an identified floodplain area without complying with the requirements of this Ordinance.
- D. These regulations apply along with and in addition to the uniform construction code, zoning, subdivision and land development, stormwater, and other regulations which are applicable to construction, development and use of land to the extent applicable and not superseded by the provisions of this Ordinance.

Section 2.03 Abrogation and Greater Restrictions

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

Section 2.04 Severability

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

Section 2.05 Warning and Disclaimer of Liability

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

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

Section 2.06 Repeal

All ordinances and codes and parts of ordinances and codes inconsistent herewith are hereby repealed, including all previously adopted Floodplain Management Ordinances.

ARTICLE III. ADMINISTRATION

Section 3.01 Designation of the Floodplain Administrator

This Ordinance shall be administered by the Code Official, also known as the Floodplain Administrator, appointed by the Governing Body of the Borough, whose responsibility and authority shall be to administer and enforce the provisions of this Ordinance and to submit such reports to the Federal Emergency Management Agency (FEMA) and the state as may be required, including a report on community participation in the National Flood Insurance Program.

Section 3.02 Permits Required

A permit shall be required before any construction or development or use of land is undertaken within any area of the Borough.

Section 3.03 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained or will be obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 537 of 1965, P.L. 1535, as amended; 35 P.S. § 750.1, *et seq.*); the Pennsylvania Dam Safety and Encroachments Act (Act 325 of 1978, P.L. 1375, as amended; 32 P.S. § 693.1, *et seq.*); The Clean Streams Law (Act 394 of 1937, P.L. 1987, as amended; 35 P.S. § 691.1, *et seq.*); the U.S. Clean Water Act, 33 U.S.C.S. § 1344; the Pennsylvania Uniform Construction Code; Zoning; Subdivision and Land Development; and Stormwater Management Regulations. No Permit shall be issued until this determination has been made.

Where development involves earth disturbance activities requiring a Pennsylvania Department of Environmental Protection (DEP) permit, no permit shall be issued until DEP or the Crawford County Conservation District office has issued the E & S (Erosion and Sedimentation) or individual NPDES (National Pollutant Discharge Elimination System) permit or approved coverage under a general NPDES permit for stormwater discharges associated with construction activities. (*See* 25 Pa. Code § 102.43).

- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall have the right and shall inspect the premises as often as necessary 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.

- E. The Floodplain Administrator 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 Ordinance.
- F. In the event the Floodplain Administrator determines 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 Floodplain Administrator shall revoke the Permit and report such fact to the Borough for appropriate action.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this Ordinance, including but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of and compliance with the requirements of the Pennsylvania Uniform Construction Code, and the regulations of the Pennsylvania Department of Labor and Industry found in Title 34 of the Pennsylvania Code, all as amended, and specifically the applicable provisions of the 2009 International Building Code and the 2009 International Residential Code as adopted and incorporated into the Pennsylvania Uniform Construction Code, or the latest revisions of the above referenced Codes as they are adopted under the Uniform Construction Code from time to time.

Section 3.04 Application Procedures and Requirements

For any construction or development or use of land, an application with the following information must be completed and filed with the Floodplain Administrator:

- A. A Permit Application Form which contains 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 including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.

7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator 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; and
 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; and
 4. structures will be anchored to prevent floatation, collapse or lateral movement; and
 5. building materials are flood-resistant; and
 6. appropriate practices that minimize flood damage have been used; and
 7. electrical heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants for Permits for proposed construction or development located entirely or partially in any identified floodplain area shall provide the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the determinations referred to in Section 3.04. B.
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topographic contour lines, if available;
 - c. the size and location of all existing and proposed buildings, structures and other improvements on the site, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives and other access ways;

- e. the location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information which pertains to the floodway and the flow of water, including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements within the designated floodplain area drawn at suitable scale and showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
4. Supplemental information as may be necessary under the Pennsylvania Uniform Construction Code, applicable regulations of the Pennsylvania Department of Labor and Industry and the 2009 International Building Code and 2009 International Residential Code, or most recent revisions, as incorporated into the Pennsylvania Uniform Construction Code, and as amended.
5. The following data and documentation:
 - a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation;
 - b. detailed information concerning any proposed flood-proofing measures and corresponding elevations;
 - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an identified floodplain area, when combined with all other existing and anticipated development, will not increase the base flood elevation as designated in Section 4.02.
 - d. 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 floods;

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;
 - e. detailed information needed to determine compliance with Sections 5.03 and 5.04, including the amount, location and purpose of any materials or substances referred to in Section 5.04 which are intended to be used, produced, stored or otherwise maintained on

site, and 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 5.04 during a base flood;

- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
- g. 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.

- 6. Applications for Permits shall be accompanied by a fee, payable to the Borough, as established by Resolution of the Borough from time to time.

Section 3.05 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 Floodplain Administrator to the Crawford County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for incorporation into the proposed plan.

Section 3.06 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 Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission(s), adjacent municipalities, municipal engineer, etc.) for review and comment.

Section 3.07 Changes

After the issuance of a Permit by the Floodplain Administrator, 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 Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to the Floodplain Administrator for consideration.

Section 3.08 Placards

In addition to the Permit, the Floodplain Administrator 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 Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 3.09 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the Permit and shall be completed within twelve (12) months after the date of

issuance of the Permit at which time the Permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Section 3.10 Enforcement

- A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or any conditions pertaining to the issuance of the permit, the Floodplain Administrator shall give written notice of such alleged violation as hereinafter provided. Such notice shall state the following:
1. the name and owner of record and any other responsible person;
 2. the location of the property in violation;
 3. the specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance;
 4. the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed thirty (30) days;
 5. that the recipient of the notice has the right to appeal to the Appeals Board within a prescribed period of time, in accordance with procedures set forth in this Ordinance;
 6. that failure to comply within the time specified, unless extended by appeal, constitutes a violation with possible sanctions clearly described.
- B. Remedies. If the violation has not been corrected and if no appeal is taken from the enforcement notice within thirty (30) days, the Governing Body of the Borough or Floodplain Administrator as authorized may seek any remedy provided by the Pennsylvania Municipalities Planning Code or amendment thereto, or otherwise permitted by law, including a civil enforcement proceeding before the District Magistrate to obtain a civil penalty as provided in subsection C., below.

- C. Civil Penalty. Any person, partnership or corporation who or which has violated or permitted the violation of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magistrate. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation continues shall constitute a separate violation, unless the District Magistrate determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation; in which event, there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the District Magistrate. Each day thereafter that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough and its Floodplain Administrator the right to commence any action for enforcement pursuant to this section.
- D. Additional Enforcement Remedies. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough, in addition to other remedies, may institute in its name any appropriate action or proceeding to prevent, restrain, correct or abate such violation, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- E. Fees. The Borough may, by Resolution, establish a schedule of fees for permits, appeals, and other matters pertaining to the administration of this Ordinance. Until all applicable fees, charges and expenses have been paid, no action shall be taken on any application or appeal.

Section 3.11 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board where one exists under authority of the Borough zoning ordinance, or to the Borough Council where no zoning ordinance is in effect in the Borough. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal, the Appeals Board shall set a time and place, within not less than ten (10) and not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

- C. The Appeals Board shall conduct the hearing in accordance with the applicable requirements of Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10908, as amended. All hearings shall be subject to the requirements of the Pennsylvania Sunshine Law, 65 Pa. C.S. §§ 701 through 706.
- D. Any person aggrieved by any decision of the Appeals Board may appeal to the Court of Common Pleas of Crawford County as provided by the laws of this Commonwealth including the Municipalities Planning Code and the Pennsylvania Flood Plain Management Act.

ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

Section 4.01 Identification

The identified floodplain area shall be:

- A. Any areas of the Borough, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated August 16, 2012 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Borough and declared to be a part of this Ordinance.

Section 4.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain areas shall consist of the following specific areas/districts:

- A. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance 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 Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

- B. If used or identified, the Shallow Flooding Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are

between one (1) and three (3) feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

- C. In any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

Section 4.03 Changes in Identification of Area

The identified floodplain area may be revised or modified 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 FEMA. Additionally, as soon as practicable but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

Section 4.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator in consultation with the County Planning Commission. Any party aggrieved by this decision or determination may appeal to the Appeals Board. The burden of proof shall be on the appellant.

Section 4.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR § 60.3.

ARTICLE V. TECHNICAL PROVISIONS

Section 5.01 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development (DCED), shall be notified prior to any alteration or relocation of any watercourse.
- B. Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the Base Flood Elevation (BFE). The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:
 1. any development occurring in Zone A which will cause a rise of more than one foot in the Base Flood Elevation (as determined using methodology in Section 4.02); or
 2. alteration or relocation of a stream (including but not limited to installing culverts and bridges).
 - C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
 - D. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

Section 5.02 Elevation and Floodproofing Requirements

A. Residential Structures

1. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 4.02 of this Ordinance.
2. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 4.02 of this Ordinance.

2. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed 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, as amended March 1992) 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.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revision thereof and ASCE 24 and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designated and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - b. the bottom of all openings shall be no higher than one (1) foot above grade;
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

See Section 9.02 (39) for requirements for the substantial improvement of any historic structures.

E. Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity;
2. floor area shall not exceed two hundred (200) square feet;
3. the structure will have a low damage potential;
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters;
5. power lines, wiring and outlets will be elevated to the regulatory flood elevation;
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;
7. sanitary facilities are prohibited;
8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - b. the bottom of all openings shall be no higher than one (1) foot above grade;
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 5.03 Design and Construction Standards

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

A. Fill

1. If fill is used, it shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;

- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Floodplain Administrator; and
- e. 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 insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

- 1. All new or replacement water supply 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 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 to it, or contamination from it, during a flood.
- 4. The design and construction provisions of the Uniform Construction Code and FEMA #348, "Protecting Building Utilities from Flood Damages" and the International Private Sewage Disposal Code shall be utilized.

D. Other Utilities

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

E. Streets.

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

F. Storage

All materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 5.04, *Development Which May Endanger Human Life*, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

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

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
2. All air ducts, large pipes, storage tanks and other similar objects, or components located below the regulatory flood elevation, shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and 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.) 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

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

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel Supply Systems

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

N. Uniform Construction Code Coordination

The Standards and Specifications of the Uniform Construction Code (herein referred to as the UCC) as adopted under the Pennsylvania Construction Code Act and applicable regulations of the Department of Labor and Industry, as amended, including, but not limited to, the following provisions shall be applicable to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

International Building Code (IBC) 2009 or latest edition thereof:

Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, Appendix G and revisions and supplements thereto.

International Residential Code (IRC) 2009 or the latest edition thereof:

Sections R104, R105, R109, R323, Appendix AE1010, Appendix E, Appendix J and revisions and supplements thereto.

Pennsylvania Department of Labor and Industry Regulations: found at 34 Pa. Code, Chapter 401 through 405, as amended.

Section 5.04 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community 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 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 Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated

B. Within any identified floodplain area, any new or substantially improved structure of the kind described in subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

- C. Where permitted within any floodplain area, any new or substantially improved structure of any kind described in subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the base flood elevation; and
 2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry, floodproofing contained in the publication “Flood-Proofing Regulations” (U.S. Army Corps of Engineers, June 1972 as amended March 1992) or with some other equivalent watertight standard.

Section 5.05 Special Requirements for Subdivisions

All subdivision and development proposals containing fifty (50) lots or more, or five (5) acres or more, in flood hazard areas where base flood elevation data is not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a registered professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 5.06 Special Requirements for Manufactured Homes

- A. Within floodplain or special flood hazard areas, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. Where permitted within any floodplain area, all manufactured homes and any improvements thereto, shall be:
1. placed on a permanent foundation; and
 2. elevated so that the lowest floor of the manufactured home is at least one and one-half (1 ½) feet above base flood elevation; and
 3. anchored to resist flotation, collapse or lateral movement.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers’ installation instructions as provided by the manufacturer, the applicable requirements of the Pennsylvania Uniform Construction Code, and regulations adopted pursuant thereto, or the requirements of the U.S. Department of Housing and Urban Development’s “Permanent Foundations for Manufactured Housing,” 1984 Edition, draft or latest revision thereto, as applicable.

- D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 Pa. Code, as amended where appropriate and applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

Section 5.07 Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A, and in A1-30, AH and AE, if any, must:

- A. be on the site for fewer than 180 consecutive days; and
- B. be fully licensed and ready for highway use; or
- C. meet the permit requirements for manufactured homes in Section 5.06.

ARTICLE VI. PROHIBITED DEVELOPMENT AND ACTIVITIES

Section 6.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, 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.

ARTICLE VII. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure in any identified floodplain area, the following standards and requirements shall apply:

- A. Any modification, alteration, reconstruction, or improvement of any kind, to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall

constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

- B. The above activity shall also comply with the applicable provisions of the Uniform Construction Code and the 2009 IBC and 2009 IRC or most recent version thereof, as applicable.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- D. Any modification, alteration, reconstruction or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VIII. VARIANCES

Section 8.01 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a builder, developer or landowner, the Borough may, upon request, grant relief from the strict application of the requirements, in accordance with the following procedures and requirements.

Section 8.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Borough in accordance with the procedures contained in Section 3.11 “Appeals” and the following:

- A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the base flood elevation.
- B. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to prohibited development (Article VI) or to Development Which May Endanger Human Life (Section 5.04).
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Ordinance.
- E. In reviewing any request for a variance, the Borough 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:
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
 - b. nor create nuisances, cause fraud on, victimize the public or conflict with any other applicable state or local ordinances and regulations.

F. Whenever a variance is granted, the Borough shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.
2. Such variances may increase the risks to life and property.

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

Section 8.03 Restrictions on Variances

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. DEFINITIONS

Section 9.01 General

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

Section 9.02 Specific Definitions

1. 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.
2. Base flood – a flood which has a one-percent (1%) chance of being equaled or exceeded in any given year (also called the “100-year flood”).

3. Base flood discharge – the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) – the elevation shown on the Flood Insurance Rate map (FIRM) for Zones AE, AH and A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Borough - Woodcock Borough, its Council and duly authorized representatives.
7. 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.
8. Development - any man-made change to improved or unimproved real estate, including but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
9. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
10. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. Flood – a temporary inundation of normally dry land areas.
12. Flood Insurance Rate Map (FIRM) – the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. Flood Insurance Study (FIS) – the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

14. Floodplain area – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and any area subject to the unusual and rapid accumulation of surface waters from any source.
15. 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.
16. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
17. Governing Body – the Council of Woodcock Borough.
18. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
19. Historic structures – any structure that is:
 - a. listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior; or
 - ii. directly by the Secretary of the Interior in states without approved programs.
20. International Building Code (IBC) – the International Building code as published by the International Code Council, 2009 Edition, and such other editions as may be thereafter published and adopted as part of the Pennsylvania Uniform Construction Code from time to time pursuant to the provisions of the Pennsylvania Construction code Act.

21. International Residential Code (IRC) – the International Residential Code as published by the International Code Council, 2009 Edition, and such other editions as may be thereafter published and adopted as part of the Pennsylvania Uniform Construction Code from time to time pursuant to the provisions of the Pennsylvania Construction Code Act.
22. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant, partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building; provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.
23. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
24. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
25. 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, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
26. New construction – structures for which the start of construction commenced on or after August 16, 2012 and includes any subsequent improvements to such structures. Any construction started before August 16, 2012 is subject to the ordinance in effect at the time the Permit was issued, provided the start of construction was within 180 days of Permit issuance.
27. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after August 16, 2012.
28. 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.

29. Post-FIRM Structure – is a structure for which construction or substantial improvement occurred after December 31, 1974, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
30. Pre-FIRM Structure – is a structure for which construction or substantial improvement occurred on or before December 31, 1974, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
31. Recreational vehicle – a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light-duty truck;
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
32. Regulatory flood elevation – the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
33. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.
34. Special flood hazard area (SFHA) – means an area in the floodplain subject to a one-percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99 or AH.
35. Start of construction – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days from the date of the Permit and shall be completed within twelve (12) months after the date of issuance of the Permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does

not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

36. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
37. 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, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
38. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition equals or exceeds fifty (50) percent or more of the market value of the structure before the damage occurred.
39. Substantial improvement – any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” (or “repetitive loss” when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must comply with all ordinance requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

40. Uniform Construction Code (UCC) – the statewide building codes adopted by the Pennsylvania General Assembly in 1999 as the Pennsylvania Construction Code Act applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry, as modified from time to time pursuant to the provisions of the Act. Applicable to residential and commercial buildings, the International Residential Code (IRC) and the International Building Code (IBC) were adopted pursuant to the Act by reference, as the construction standards applicable for floodplain construction.
41. Violation – means the failure of a structure or other development to be fully compliant with the municipality’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE X. ADOPTION OF ORDINANCE AND EFFECTIVE DATE

Section 10.01 Enactment and Effective Date

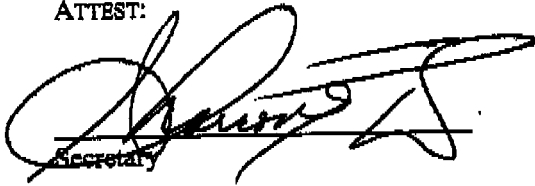
This Ordinance is hereby enacted as an ordinance of Woodcock Borough on the date set forth below and shall be effective on August 16, 2012, the effective date of the Flood Insurance Study and Flood Insurance Rate Map. The Ordinance shall remain in effect unless and until amended or repealed by further ordinance.

ORDAINED AND ENACTED by the Council of Woodcock Borough this 1st day of August, 2012.

WOODCOCK BOROUGH COUNCIL

By: 
President, Borough Council

ATTEST:


Secretary

APPROVED this 1st day of August, 2012

By: 
Mayor