

Bill No. 7 of 2012
Ordinance No. 3702 of 2012

CITY OF MEADVILLE
CRAWFORD COUNTY, PENNSYLVANIA

AN ORDINANCE REQUIRING ALL PERSONS,
PARTNERSHIPS, BUSINESSES, AND
CORPORATIONS TO OBTAIN A PERMIT FOR ANY
CONSTRUCTION OR DEVELOPMENT; PROVIDING
FOR THE ISSUANCE OF SUCH PERMITS; SETTING
FORTH CERTAIN MINIMUM REQUIREMENTS FOR
NEW CONSTRUCTION AND DEVELOPMENT
WITHIN AREAS OF THE CITY OF MEADVILLE
WHICH ARE SUBJECT TO FLOODING; AND
ESTABLISHING PENALTIES FOR ANY PERSONS
WHO FAIL, OR REFUSE TO COMPLY WITH, THE
REQUIREMENTS OR PROVISIONS OF THIS
ORDINANCE.

Be It Ordained and Enacted by the City Council of the City of Meadville and it is hereby ordained and enacted by and with the authority thereof as follows, to-wit:

Section 1. *New Title 5.* There is hereby added to the Codified Ordinances of the City of Meadville a new Title 5, which is entitled Floodplain Management Regulations and which shall read as follows:

Title 5.

FLOODPLAIN MANAGEMENT REGULATIONS

Article 1370. GENERAL PROVISIONS

1370.01 Authority.

This Ordinance is adopted under authority of the Pennsylvania Flood Plain Management Act, Act 166 of 1978, P.L. 851, found at 32 P.S. § 679.101 *et seq.*, as amended.

1370.02 Intent.

The intent of this Ordinance 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.
- c. Minimize danger to public health and safety by protecting water supply and natural drainage.
- d. Reduce financial burdens imposed on the community, its governmental units and its residents, by preventing excessive or harmful development in areas subject to flooding.
- e. Comply with federal and state floodplain management regulatory requirements.
- f. Secure the availability of Federal Flood Insurance for property within floodplain areas.

1370.03 Applicability.

The regulatory requirements of this Ordinance shall apply within all designated floodplain areas of the City of Meadville as identified on the Flood Insurance Study and Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency and referenced in Section 1372.01 of this Ordinance. These regulations are applicable for all construction, development and use of lands within the designated floodplain areas. These regulations apply along with and in addition to all other applicable uniform construction code, zoning, subdivision and land development, storm water, and other regulations which are applicable to construction, development and use of land within these areas. The application of these regulations shall be coordinated with all other applicable regulations. 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 City of Meadville* unless a Permit has been obtained from the Floodplain Administrator.

1370.04 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.

1370.05 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 City of Meadville 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.

Article 1371. ADMINISTRATION

1371.01. Designation of the Floodplain Administrator.

This Ordinance shall be administered by the Zoning Administrator, also known as the Floodplain Administrator and such deputies as may be specifically appointed by the City.

1371.02 Permits Required.

A permit shall be required before any construction or development or use of land is undertaken within any floodplain area of the City of Meadville that is designated and identified under Article 1372 of this Ordinance.

1371.03 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 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, 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.

c. During the construction period, the Floodplain Administrator or other authorized official shall have the right and shall inspect 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.

d. 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.

e. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the City for appropriate action.

f. The Floodplain Administrator shall maintain all records associated with the requirements of this Ordinance, including but not limited to, permitting, inspection and enforcement.

1371.04 Application Procedures and Requirements.

For any construction or development or use of land within any designated or identified floodplain area, 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.
- b. 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:
1. North arrow, scale and date;
 2. Topographic contour lines, if available;
 3. 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;
 4. The location of all existing streets, drives and other access ways; and
 5. 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.
- c. Plans of all proposed buildings, structures and other improvements within the designated floodplain area, drawn at suitable scale and showing the following:
1. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 2. The elevation of the Base Flood;
 3. Supplemental information as may be necessary under the Pennsylvania Uniform Construction Code and applicable regulations.
- d. The following data and documentation:

1. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a Base Flood Elevation;
2. Detailed information concerning any proposed flood-proofing measures and corresponding elevations;
3. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a Special Flood Hazard Area, when combined with all other existing and anticipated development, will not increase the Base Flood Elevation more than one (1) foot at any point;
4. When required by the Uniform Construction Code, 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.

5. Detailed information needed to determine compliance with Sections 1373.03 and 1373.04, including the amount, location and purpose of any materials or substances referred to in Sections 1373.03(f) and 1373.04 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 1373.04 during a base flood.
6. The appropriate component of the Department of Environmental Protection's "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.

e. The application shall provide all 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;
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
3. Adequate drainage is provided so as to reduce exposure to flood hazards;
4. Structures will be anchored to prevent floatation, collapse or lateral movement;
5. Building materials are flood-resistant;
6. Appropriate practices that minimize flood damage have been used;
7. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities have been designated and/or located to prevent water entry or accumulation.

f. Applications for Permits shall be accompanied by a fee, payable to the City of Meadville, as established by Resolution of the City of Meadville.

1371.05 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, County Conservation District, adjacent municipalities, municipal engineer, etc.) for review and comment.

1371.06 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.

1371.07 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.

1371.08 Start of Construction.

Work on the proposed construction and/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. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filing, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request, which sets forth reasonable cause for the extension, is submitted by the applicant.

1371.09 Enforcement Notice.

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:

- a. The name and owner of record and any other responsible person;
- b. The location of the property in violation;
- c. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance;

d. 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;

e. That the recipient of the notice has the right to appeal to the Board of Appeals within a prescribed period of time, in accordance with procedures set forth in this Ordinance;

f. That failure to comply within the time specified, unless extended by appeal, constitutes a violation with possible sanctions clearly described.

1371.10. Remedies.

If the violation has not been corrected and if no appeal is taken from the enforcement notice within thirty (30) days, the City Council or Floodplain Administrator 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 Section 1371.11 below.

1371.11. 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 City, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees incurred by the City 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 City 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 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 City. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the City and its Floodplain Administrator the right to commence any action for enforcement pursuant to this section.

1371.12. 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 City, 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.

1371.13. Fees.

The City 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.

1371.14. 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 Board of Appeals. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- b. The Board of Appeals shall be the Zoning Hearing Board.
- c. Upon receipt of such appeal, the Board shall set a time and place, within not less than ten (10) and not more than sixty (60) 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.
- d. The Board shall conduct the hearing in accordance with the applicable requirements of Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §1 0908, as amended. All hearings shall be subject to the requirements of the Pennsylvania Sunshine Law, 65 Pa. C.S. § 701 through 716.
- e. Any person aggrieved by any decision of the Board of Appeals 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 1372. IDENTIFICATION OF FLOODPLAIN AREAS

1372.01. Identification.

The identified floodplain area shall be any areas of the City of Meadville, 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.

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

1372.02. Description and Special Requirements of Identified Floodplain Areas.

The floodplain areas shall consist of the following specific areas and shown and identified on the applicable FIRM and FIS and construction and development shall be subject to these restrictions set forth for each specified area as follows:

a. Floodway Area

1. Description - the area identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

2. Special Requirements:

- i. Any encroachment that would cause any increase in flood heights shall be prohibited.
 - ii. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- b. Special Floodplain Area/AE Area/District
 1. Description - the areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods and have Base Flood Elevations (BFEs) shown.
 2. Special Requirements:
 - i. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - ii. In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.
- c. Approximate Floodplain Area/A Area/District
 1. Description - the areas identified as Zone A in the FIS which are subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
 2. Special Requirements:
 - i. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - ii. When available, information from other federal, state and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by

using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the City 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 City.

d. Shallow Flooding Area

1. Description - the areas identified as Zones AO and AH in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet.

2. Special Requirements - Establish drainage paths to guide floodwaters around and away from structures on slopes.

1372.03. 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 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.

1372.04. 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 Board of Appeals. The burden of proof shall be on the appellant.

Article 1373. TECHNICAL PROVISIONS

1373.01. 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 City, 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 shall be notified prior to any alteration or relocation of any watercourse.

b. Technical or scientific data shall be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development or other activity resulting in changes in the BFE.

c. Within any Floodway area, no new construction or development shall be permitted that would cause any increase in the Base Flood Elevation.

d. 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 Base Flood more than one (1) foot at any point.

e. 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.

f. 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.

1373.02. Elevation and Flood-proofing Requirements.

a. Residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, and shall meet the design and construction standards, specifications and applicable provisions of the Uniform Construction Code as adopted under the Pennsylvania Construction Code Act, as amended.

2. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

3. In A Zones, where there no Base Flood Elevations are 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 the following:

When available, information from other federal, state and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, the City 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 City.

b. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

- i. is flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - ii. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely flood-proofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
3. In A Zones, where there no Base Flood Elevations are 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 the following:
 4. When available, information from other federal, state and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, the City 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 City.
 5. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be flood-proofed in accordance with the WI 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 flood-proofing shall

be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction conform to the above referenced standards.

c. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) 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 designed and constructed to allow for the automatic entry and exit of floodwaters 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:

- i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- ii. The bottom of all openings shall be no higher than one (1) foot above grade.
- iii. 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. Accessory structures

Structures accessory to a principal building need not be elevated or flood-proofed to remain dry, if the structure meets 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 storage of tools, material and equipment related to the principal use or activity.

2. Floor area shall not exceed 100 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 floodwaters.
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 floodwater 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:
 - i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

1373.03. Design and Construction Standards.

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

a. Fill

If fill is used, it shall:

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

2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
4. be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. be used to the extent to which it does not adversely affect adjacent properties.

b. Drainage Facilities

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

c. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction of provisions of the UCC 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 1373.04, *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 floodwater.

h. Anchoring

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

2. All air ducts, large pipes, storage tanks and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

i. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

4. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

j. Paints and Adhesives

1. Paints 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, trims, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

k. Electrical Components

1. Electrical distribution panels shall be at least three (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 floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

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 apply to the above and other sections and subsections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

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

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

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

Secs. R104, R105, R109, R323, Appendix AE101, 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.

1373.04. 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
 - Sulfur and sulfur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- b. Within any Floodway Area, any structure of the kind described in Subsection a., above, shall be prohibited.

c. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection a., above, shall be:

1. elevated or designed and constructed to remain completely dry up to Base Flood Elevation;
2. designed to prevent pollution from the structure or activity during the course of a Base Flood Elevation.

Any such structure or part thereof that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing 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.

d. Within any 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.

1373.05. Special Requirements for Subdivisions.

All subdivision and land 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 licensed 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.

1373.06. Special Requirements for Manufactured Homes.

- a. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- b. 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.

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

1. placed on a permanent foundation;
2. elevated so that the lowest floor of the manufactured home is at or above Base Flood Elevation; and
3. anchored to resist flotation, collapse or lateral movement.

d. 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.

1373.07. Special Requirements for Recreational Vehicles.

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

- a. be on the site for fewer than 180 consecutive days; or
- b. be fully licensed and ready for highway use; or
- c. meet the permit requirements for manufactured homes in Section 1371.04.

Article 1374. PROHIBITED DEVELOPMENT AND ACTIVITIES

1374.01. 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:
 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 1375. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

1375.01. 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 apply:

- a. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the Base Flood Elevation.
- b. No expansion or enlargement of an existing structure shall be allowed within any Special Flood Hazard Area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- c. 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.
- d. The above activity shall also comply with the applicable provisions of the Uniform Construction Code.
- e.

Article 1376. VARIANCES

1376.01. Variance Procedures and Conditions.

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

a. Requests for variances shall be considered by the City in accordance with the procedures contained in Section 910.2 of the Planning Code and the following:

1. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.

2. No variance shall be granted for any construction, development, use or activity within any Special Flood Hazard Area that would, together with all other existing and anticipated development, increase the BFE more than (1) foot at any point.

3. Except for a possible modification of the Regulatory Flood Elevation requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit or to *Development Which May Endanger Human Life* (Section 1373.04).

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

c. In granting any variance, the City 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.

d. Whenever a variance is granted, the City shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.

e. In reviewing any request for a variance, the City 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:

i. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

ii. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

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

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and effects of buoyancy.

Article 1377. DEFINITIONS

1377.01. 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.

1377.02. Specific Definitions.

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

"Base Flood" - a flood which has a 1-percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

"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 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" - any area of the building having its floor below ground level on all sides.

"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.

"City" - the City of Meadville, its Council and duly authorized representatives.

"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.

"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.

"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).

"Flood" - a temporary inundation of normally dry land areas.

"Flood Insurance Rate Map (FIRM)" - the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of Special Flood Hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" - the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the Base Flood.

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

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

"Floodway" - the 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 foot.

"Highest Adjacent Grade" - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structures" - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. 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;
3. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior;
4. 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.

"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.

"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.

"Manufactured home park or subdivision" - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"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; the removal or change of any required means of egress; or the rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

"New construction" - structures for which the start of construction commenced on or after *June 1, 1977* and includes any subsequent improvements thereto.

"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 the effective date of floodplain management regulations adopted by a community.

"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.

"Recreation vehicle" - a vehicle which is:

1. built on a single chassis;
2. not more than 400 square feet, measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light-duty truck;
4. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory Flood Elevation" - the Base Flood Elevation (BFE)

"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.

"Special Flood Hazard Area (SFHA)" - means an area in the floodplain subject to a 1-percent 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.

"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. 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/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.

"Structure" - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Subdivision" - the division or re-division 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.

"Substantial damage" - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

"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 either:

1. 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; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Uniform Construction Code (UCC)" - The statewide building code adopted under 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.

"Violation" - means the failure of a structure or other development to be fully compliant with the community's flood plain 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.

- Section 2. *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 the 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 3. *Repeal.* All ordinances and codes and parts of ordinances and codes inconsistent herewith are hereby repealed, including all previously adopted Flood Plain Management Ordinances.
- Section 4. *Effective Date.* This Ordinance, the Flood Plain Management Regulations Ordinance, hereby adopted, shall be in effect five (5) days from the date of adoption.

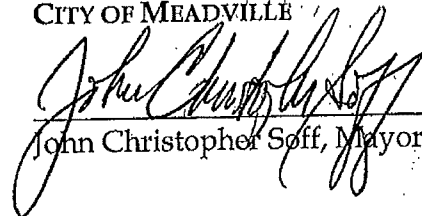
Introduced This 6th day of June, 2012

Second Reading This 6th day of June, A.D., 2012.

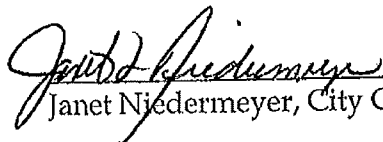
Finally Passed and Enacted This 27th day of June, A.D., 2012.

CITY OF MEADVILLE

By:


John Christopher Soff, Mayor

ATTEST:


Janet Niedermeyer, City Clerk