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PART 1
GENERAL PROVISIONS

§8-101. Intent.

The intent of this Chapter is to:

- A. Promote the general health, welfare and safety of the community with regard to construction in floodplain areas.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the Borough and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements.

(Ord. 594, 12/6/1993, §101)

§8-102. Applicability.

- 1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, the construction, reconstruction, substantial improvement, enlargement, alteration or relocation of any building or structure within a floodplain area as set forth on the attached plan prepared by the Federal Emergency Management Agency (FEMA) and the attached Flood Insurance Study (FIS) which are attached hereto and made a part hereof by reference, unless an approved building permit has been obtained from the Administrative Officer.
- 2. A building permit shall not be required for minor repairs to existing buildings or structures, unless required by other ordinances of the Borough of Collingdale; provided, that no structural changes or modifications are involved.
- 3. All development in floodplain areas is subject to all Federal and State codes and regulations.

(Ord. 594, 12/6/1993, §102)

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§8-103. Abrogation and Greater Restrictions.

This Chapter supersedes any provisions currently in effect in floodplain areas. However, any underlying ordinance or section thereof shall remain in full force and effect to the extent that those provisions are more restrictive.

(Ord. 594, 12/6/1993, §103)

§8-104. Municipal Liability.

The granting of a building permit or approval of a subdivision or land development plan in an identified floodplain area shall not constitute a representation, guarantee or warranty of any kind by the Borough of Collingdale or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough of Collingdale, its officials or employees.

(Ord. 594, 12/6/1993, §105)

PART 2

ADMINISTRATION

§8-201. Building Permits Required.

1. Building permits shall be required before any new construction, substantial improvement, reconstruction, enlargement, alteration or relocation of any building or structure is undertaken.
2. Any other developments as defined in this Chapter are also subject to the issuance of a building permit.

(Ord. 594, 12/6/1993, §201)

§8-202. Issuance of Building Permit

1. The Administrative Officer shall issue a building 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.
2. Prior to the issuance of any building permit, the Administrative Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 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, §404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.
3. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Resources.
4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

(Ord. 594, 12/6/1993, §202)

§8-203. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the Administrative Officer on forms supplied by the Borough. Such application shall contain the following:
 - A. Name and address of applicant.

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- B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Administrative Officer to determine that:
- A. 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.
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Part 5, §8-502) as may be required by the Administrative Officer to make the above determination:
- A. A completed building permit application form.
 - B. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topographic contour lines, if available.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
 - (5) The location of all existing streets, drives and other access ways.

- (6) The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
4. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
 - A. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - B. The elevation of the 100 year flood.
 - C. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other* factors associated with a 100 year flood.
 - D. Detailed information concerning any proposed flood proofing measures.
5. The following data and documentation:
 - A. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100 year flood. 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.
 - B. Detailed information needed to determine compliance with Part 4, §8-404, "Storage," and Part 4, §8-405, "Development Which May Endanger Human Life," including:
 - (1) The amount, location and purpose of any materials or substances referred to in §8-404 and §8-405 which are intended to be used, produced, stored or otherwise maintained onsite.
 - (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §8-405 during a 100 year flood.
 - C. The appropriate component of the Department of Environmental Resources "Planning Module for Land Development."
 - D. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

(Ord. 594, 12/6/1993, §203)

* Ord. 594 read "another" for "and other."

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§8-204. Review by County Conservation District.

A copy of all applications and plans for new construction in any floodplain area to be considered for approval shall be submitted by the Administrative Officer to the County Conservation District for review and comment prior to the issuance of building permit. The recommendations of the Conservation District shall be considered by the Administrative Officer for possible incorporation into the proposed plan.

(Ord. 594, 12/6/1993, §204)

§8-205. Review of Application by Others.

A copy of all plans and applications for new construction in any floodplain area to be considered for approval must be submitted to the Borough of Collingdale Planning Commission for review and comment.

(Ord. 594, 12/6/1993, §205)

§8-206. Changes.

After the issuance of a building permit by the Administrative Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Administrative Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the Administrative Officer for consideration.

(Ord. 594, 12/6/1993, §206)

§8-207. Display of Permit.

Building permits shall be displayed as presently required by applicable ordinances and codes of the Borough of Collingdale.

(Ord. 594, 12/6/1993, §207)

§8-208. Start of Construction.

Work on the proposed construction shall begin within 6 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Administrative Officer. New construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or manufactured home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations,

erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

(*Ord. 594, 12/6/1993, §208*)

§8-209. Inspection and Revocation.

1. During the construction period, the Administrative Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough of Collingdale laws and ordinances. In the event the Administrative Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Administrative Officer shall revoke the building permit and report such fact to Borough Council for whatever action it considers necessary.
2. In the discharge of his duties, the Administrative Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
3. A record of all such inspections and violations of this Chapter shall be maintained.

(*Ord. 594, 12/6/1993, §209*)

§8-210. Fees.

The present fees for the issuance of a building permit as established by the Borough shall be applicable to this Part.

(*Ord. 594, 12/6/1993, §210*)

§8-211. Notices; Hearings; Orders; Appeals.

1. **Notices.** Whenever the Administrative Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing.
 - B. Include a statement of the reasons of its issuance.

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- C. Allow 30 days for the performance of any act the notice requires (the 30 days period may be shortened or extended at the sole discretion of the Administrative Officer or other Borough representative).
 - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this Commonwealth.
 - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter, or any part thereof, and with the regulations adopted pursuant thereto.
2. **Hearings.** Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before Borough Council provided that such person shall file with the Borough Manager a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the enforcement proceedings. Upon receipt of such petition, the Borough of Collingdale's Manager shall set a time and place for such hearing and the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, the Borough Manager may postpone the date of the hearing for a reasonable time beyond such 10 day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(Ord. 594, 12/6/1993, §211)

§8-212. Penalties.

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Chapter may be declared by Borough Council to be a public nuisance and abatable as such.

(Ord. 594, 12/6/1993, §212)

§8-213. Appeals.

1. Any person aggrieved by any action or decision of the Administrative Officer concerning the administration of the provisions of this Chapter may appeal to Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Administrative Officer.
2. Upon receipt of such appeal Borough Council shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
3. Any person aggrieved by any decision of Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

(Ord. 594, 12/6/1993, §213)

PART 3

DESIGNATION OF FLOODPLAIN AREAS

§8-301. Identification.

1. The identified floodplain area shall be those areas of Collingdale Borough, community no. 420408, which are subject to the 100 year flood, as identified on map panel nos. 4204530035D and 4204530036D in the Flood Insurance Study (FIS) prepared for Collingdale Borough and the County of Delaware by the Federal Emergency Management Agency (FEMA) dated September 30, 1993, or the most recent revision thereof.
2. The identified floodplain area shall consist of the following specific areas:
 - A. **FW (Floodway Area).** The areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. For the purposes of this Chapter, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than 1 foot at any point.
 - B. **FF (Flood-Fringe Area).** The remaining portions of the 100 year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100 year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - C. **FA (General Floodplain Area).** The areas identified as Zone A in the Flood Insurance Study for which no 100 year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the 100 year elevation, as well as a floodway area, if possible. When no other information is available, the 100 year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
3. 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.

(Ord. 594, 12/6/1993, §301)

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§8-301. Map Showing Floodplain Areas.

For the purpose of this Chapter, the boundaries of the Floodplain District within the Borough of Collingdale are shown on the “Flood Insurance Rate Map, Delaware County, Pennsylvania (all jurisdictions)” which is available for inspection at the offices of the Borough of Collingdale.

(Ord. 594, 12/6/1993, §302)

§8-303. Changes in Boundaries of Floodplain Areas.

For the purposes of this Chapter, the boundaries of the Floodplain District may be revised or modified by Borough Council only where necessary because of natural or manmade changes which have occurred and/or where more detailed studies undertaken by a qualified agency or individual may document the need for such revision. All such changes shall be subject to the review and approval of the Federal Insurance Administration (FIA).

(Ord. 594, 12/6/1993, §303)

§8-304. Boundary Disputes.

Should a dispute arise concerning the boundary of the Floodplain District an initial determination shall be made by the Administrative Officer and any party aggrieved by this decision may appeal to Borough Council. The burden of proof shall be on the appellant.

(Ord. 594, 12/6/1993, §304)

PART 4
TECHNICAL PROVISIONS

§8-401. General.

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 Resources. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.
2. 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 Chapter and any other applicable codes, ordinances and regulations.

(Ord. 594, 12/6/1993, §401)

§8-402. Construction Regulations.

In order to prevent damage to buildings and structures due to conditions of flooding, the following regulations shall apply to all new construction and substantial improvements within the floodplain district:

- A. Within any FW (Floodway Area), the following provisions apply:
 - (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources.
- B. Within any FA (General Floodplain Area), the following provisions apply:
 - (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - (2) Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.

(Ord. 594, 12/6/1993, §402)

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§8-403. Elevation and Floodproofing Retirements.

1. **Residential Structures.** Within any identified floodplain area, the lowest floor (including basement) of any new residential structure, or any substantial improvement to an existing residential structure, shall be at least 1½ feet above the 100 year flood elevation. Fully enclosed spaces below the lowest floor shall be prohibited.
2. **Nonresidential Structures.**
 - A. Within any identified floodplain area, the lowest floor (including basement) of any new nonresidential structure, or any substantial improvement to an existing nonresidential structure, shall be at least 1½ feet above the 100 year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited.
 - B. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1½ feet above the 100 year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such 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 are in conformance with the above referenced standards.

(Ord. 594, 12/6/1993, §403)

§8-404. Design and Construction Standards.

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

- A. **Fill.** If fill is used, it shall:
 - (1) Extend laterally at least 15 feet beyond the building line from all points.
 - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - (4) Be no steeper than 1 vertical to 2 horizontal feet unless substantiated data, justifying steeper slopes, are submitted to and approved by the Building Permit Officer.

- (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of 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 and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - (3) No part of any onsite sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- D. **Other Utilities.** All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. **Streets.** The finished elevation of all new streets shall be no more than 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 §8-405, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- G. **Placement of Buildings and Structures.** All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. **Anchoring.**
- (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.

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I. **Floors, Walls and Ceilings.**

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

J. **Paints and Adhesives.**

- (1) Paints or other finishes used at or below the regulatory flood elevation shall be of “marine” or water resistant quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or water-resistant variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other finishing material.

K. **Electrical Components.**

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

L. **Equipment.** Water heaters, furnaces, air conditioning and ventilating units, and other 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.

(Ord. 594, 12/6/1993, §4)

§8-405. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, 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, 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:
 - A. Acetone.
 - B. Ammonia.
 - C. Benzene.
 - D. Calcium carbide.
 - E. Carbon disulfide.
 - F. Celluloid.
 - G. Chlorine.
 - H. Hydrochloric acid.
 - I. Hydrocyanic acid.
 - J. Magnesium.
 - K. Nitric acid and oxides of nitrogen.
 - L. Petroleum products (gasoline, fuel oil, etc.).
 - M. Phosphorus.
 - N. Potassium.
 - O. Sodium.
 - P. Sulphur and sulphur products.
 - Q. Pesticides (including insecticides, rodenticides).
 - R. Radioactive substances, insofar as are not otherwise regulated.
2. Within any FW (Floodway Area), any structure of the kind described in subsection (1), above, shall be prohibited.

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3. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in subsection (1), above, shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood.
 - B. Designed to prevent pollution from the structure or activity during the course of a 100 year flood.
4. 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), or with some other equivalent watertight standard.

(Ord. 594, 12/6/1993, §405)

§8-406. Special Requirements for Manufactured Homes.

1. Within any FW (Floodway Area), manufactured homes shall prohibited.
2. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured 50 feet landward from the top of the bank of any watercourse.
3. Where permitted within any floodplain area, all manufactured homes and any improvements thereto shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor shall be at least 1½ feet above the 100 year flood elevation.
 - C. Anchored to resist flotation, collapse or lateral movement.

(Ord. 594, 12/6/1993, §406)

PART 5

ACTIVITIES REQUIRING SPECIAL PERMITS

§8-501. General.

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Borough:

- 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.

(Ord. 594, 12/6/1993, §501)

§8-502. Application Requirements for Special Permits.

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

- A. A written request including a completed building permit application form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other access ways and parking areas, with information concerning widths, pavement types and construction and elevations.

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- (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and manmade features affecting, or affected by, the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations and information concerning the flow of water including direction and velocities.
 - (7) The location of all proposed buildings, structures, utilities and any other improvements.
 - (8) Any other information which the Borough considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood.
 - (4) Detailed information concerning any proposed flood proofing measures.
 - (5) Cross section drawings for all proposed streets, drives, other access ways and parking areas, showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives and vehicular access ways including existing and proposed grades.
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- E. The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 - (2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood.

- (3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life.
- (4) A statement certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows.
- (5) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows.
- (6) The appropriate component of the Department of Environmental Resources "Planning Module for Land Development."
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control.
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under §302 of Act 1978-166.
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

(Ord. 93-04, 11/22/1993, §502)

§8-503. Application Review Procedures.

Upon receipt of an application for a special permit by the Borough the following procedures shall apply in addition to those of Part 2, "Administration":

- A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.
- B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respect the application is deficient.

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- C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within 5 working days after the date of approval.
- E. Before issuing the special permit, the Borough shall allow the Department of Community Affairs 30 days, after receipt of the notification by the Department, to review the application and decision made by the Borough.
- F. If the Borough does not receive any communication from the Department of Community Affairs during the 30 day review period, it may issue a special permit to the applicant.
- G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit.

(Ord. 594, 12/6/1993, §503)

§8-504. Special Technical Requirements.

- 1. In addition to the requirements of Part 4, "Technical Provisions," of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 4 of this Chapter or in any other code, ordinance or regulation, the more restrictive provision shall apply.
- 2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (1) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents, below the 100 year flood elevation.
 - (2) The lowest floor elevation will be at least 1½ feet above the 100 year flood elevation.
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.

- B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- 3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community Affairs.

(Ord. 594, 12/6/1993, §504)

PART 6

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§8-601. Existing Structures.

The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §8-602 shall apply.

(Ord. 594, 12/6/1993, §601)

§8-602. Improvements.

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

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100 year flood.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.
- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

(Ord. 594, 12/6/1993, §602)

PART 7
VARIANCES

§8-701. General.

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

(Ord. 594, 12/6/1993, §701)

§8-702. Variance Procedures and Conditions.

1. Requests for variances shall be considered by the Borough in accordance with the procedures contained in §8-213 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 100 year flood elevation.
 - B. No variance shall be granted for any of the requirements pertaining specifically to “Activities Requiring Special Permit” (Part 5) or to “Development Which May Endanger Human Life” (Part 4, §8-405) or to “Special Requirements for Manufactured Homes” (Part 4, §8-406).
 - 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 Chapter.
 - E. Whenever a variance is granted, the Borough shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased rates for flood insurance.
 - (2) Such variances may increase the risks to life.
 - F. 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.

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- (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.
 - 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 the Federal Insurance Administration.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

(Ord. 594, 12/6/1993, §702)

PART 8

DEFINITIONS

§8-801. General.

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

(Ord. 594, 12/6/1993, §801)

§8-802. 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.

BASEMENT - any area of the building having its floor subgrade (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.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, or storage of equipment or materials, and the subdivision of land.

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

FLOOD - a temporary inundation of normally dry land areas.

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 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.

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FLOODWAY - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100 year magnitude.

HISTORIC STRUCTURE - any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or,
 - (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Chapter as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

LAND DEVELOPMENT -

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

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area is not considered a building's lowest

floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Chapter.

MANUFACTURED HOME - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes mobile homes, park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

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

NEW CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure and/or improvements, such as streets, utilities, etc. Also for the purposes of this Chapter, all proposed subdivision and/or land development shall be considered to be new construction.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris or caused by such water, or is placed where the flow of water might carry the same downstream to the damage of life or property.

ONE HUNDRED YEAR FLOOD - a flood that, on the average, is likely to occur once every 100 years (i.e. that has 1% chance of occurring each year, although the flood may occur in any year).

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

RECREATIONAL VEHICLE - a vehicle which is:

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- A. Built on a single chassis.
- B. Four hundred square feet or less when measured at the largest horizontal projection.
- C. Designed to be self-propelled or permanently towable by a light duty truck.
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor of 1½ feet.

SPECIAL PERMIT - a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion, of a floodplain.

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

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

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. Before the improvement or repair is started; or,
- B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (i) any project for improvement of a structure to

comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or, (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. 594, 12/6/1993, §802)

