

Chapter 8

Floodplains

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Part 1**General Provisions****§8-101. Citation of Statutory Authorization.**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, 32 P.S. §679.101 *et seq.*, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Borough Council of the Borough of Hunker does hereby order as follows. (*Ord. 41, 11/3/1988; as added by Ord. 2011-1, 3/3/2011*)

§8-102. Intent.

The intent of this Chapter is to:

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

(*Ord. 41, 11/3/1988, §1.00*)

§8-103. Applicability.

1. 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 Borough of Hunker unless a building permit has been obtained from the Building Permit Officer.

2. A building permit shall not be required for minor repairs to existing buildings or structures.

(*Ord. 41, 11/3/1988, §1.01*)

§8-104. Abrogation and Greater Restrictions.

This Chapter 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 Chapter, the more restrictive shall apply.

(*Ord. 41, 11/3/1988, §1.02*)

§8-105. Severability.

If any Section, subsection, paragraph, sentence, clause or phrase of this Chapter

shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable.

(Ord. 41, 11/3/1988, §1.03)

§8-106. Warning and Disclaimer of Liability.

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

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

(Ord. 41, 11/3/1988, §1.04)

Part 2**Administration****§8-201. Building Permits Required.**

Building permits shall be required before any construction or development is undertaken within any area of the Borough of Hunker.

(*Ord. 41, 11/3/1988, §2.00*)

§8-202. Designation of the Floodplain Administrator.

The Building Permit Officer is hereby appointed to administer and enforce this Chapter and is referred to herein as the "Floodplain Administrator."

(*Ord. 41, 11/3/1988; as added by Ord. 2011-1, 3/3/2011*)

§8-203. Duties and Responsibilities of the Floodplain Administrator.

1. 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.

2. 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, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended, 35 P.S. §750.1 *et seq.*); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended, 32 P.S. §693.1 *et seq.*); the Pennsylvania Clean Streams Act (Act 1937-394, as amended, 35 P.S. §691.1 *et seq.*); and the U.S. Clean Water Act, §404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.

3. In the case of existing structures, prior to the issuance of any development permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

5. In the discharge of his/her duties, 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 Chapter.

6. 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 Hunker Borough Council for whatever action it considers necessary.

7. The Floodplain Administrator shall maintain all records associated with the

requirements of this Chapter including, but not limited to, permitting, inspection and enforcement.

8. The Floodplain Administrator shall consider the requirements of Title 34, Pa.Code, and the 2006 IBC and the 2006 IRC or latest revisions thereof.

(*Ord. 41, 11/3/1988; as added by Ord. 2011-1, 3/3/2011*)

§8-204. Issuance of Building Permit.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection.

2. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Borough prior to any alteration or relocation of any watercourse.

(*Ord. 41, 11/3/1988, §2.01; as amended by Ord. 2011-1, 3/3/2011*)

§8-205. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough of Hunker. Such application shall contain the following:

- A. Name and address of applicant.
- 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 Building Permit 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 as to reduce exposure to flood hazards.
- D. Structures will be anchored to prevent floatation, collapse, or lateral movement. [*Ord. 2011-1*]
- E. Building materials are flood-resistant. [*Ord. 2011-1*]
- F. Appropriate practices that minimize flood damage have been used. [*Ord.*

2011-1]

G. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation. [Ord. 2011-1]

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

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 accessways.

(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.

C. Plans of all proposed building, structures and other improvements, drawn at suitable scale showing the following:

(1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1988. [Ord. 2011-1]

(2) The elevation of the 100-year flood.

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.

(4) Detailed information concerning any proposed flood-proofing measures.

D. The following data and documentation:

(1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand 100-year flood elevations, 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 and corresponding elevations. [Ord. 2011-1]

(2) Detailed information needed to determine compliance with §8-404.F, "Storage," and §8-405, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any materials or substances referred to in §8-404.F and §8-405 which are intended to be used,

produced, stored or otherwise maintained on site.

(b) 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.

(3) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [Ord. 2011-1]

(4) 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. [Ord. 2011-1]

(5) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.

(Ord. 41, 11/3/1988, §2.02; as amended by Ord. 2011-1, 3/3/2011)

§8-206. Review by County Conservation District.

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

(Ord. 41, 11/3/1988, §2.03)

§8-207. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

(Ord. 41, 11/3/1988, §2.04)

§8-208. Changes.

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

(Ord. 41, 11/3/1988, §2.05)

§8-209. Placards.

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

(*Ord. 41, 11/3/1988, §2.06*)

§8-210. Start of Construction.

1. Work on the proposed construction and/or development shall begin within 6 months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

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

(*Ord. 41, 11/3/1988, §2.07*)

§8-211. Inspection and Revocation.

1. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances. He shall make as many inspections during and upon the completion of the work as are necessary.

2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials at any reasonable hour, to enforce the provisions of this Chapter.

3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Council for whatever action it considers necessary.

4. A record of all such inspection and violations of this Chapter shall be maintained.

(*Ord. 41, 11/3/1988, §2.08*)

§8-212. Fees.

Applications for a building permit shall be accompanied by a fee, in an amount as established from time to time by resolution of Borough Council, payable to the Borough of Hunker based upon the estimated cost of the proposed construction as determined by the Building Permit Officer.

(*Ord. 41, 11/3/1988, §2.09; as amended by Ord. 2011-1, 3/3/2011*)

§8-213. Enforcement.

1. *Notices.* Whenever the Building Permit Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has

been a violation of any provisions of this Chapter, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (A) be in writing; (B) include a statement of the reasons for its issuance; (C) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (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 State; (E) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

2. *Penalties.* Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Borough shall be guilty of an offense, and, upon conviction, shall pay a fine to the Borough of Hunker of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated 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 noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter may be declared by the Board of Hunker to be a public nuisance and abatable as such.

(*Ord. 41, 11/3/1988, §2.10*)

§8-214. Appeals.

1. Any person aggrieved by any action or decision of the Building Permit Officer involving the administration of the provisions of this Chapter may appeal to the Zoning Hearing Board of Hunker. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer. [*Ord. 2011-1*]

2. Upon receipt of such appeal the Board 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 the Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*

(*Ord. 41, 11/3/1988, §2.11; as amended by Ord. 2011-1, 3/3/2011*)

Part 3**Identification of Floodplain Areas****§8-301. Designation of Floodplain Areas.**

1. The identified floodplain area shall be any areas of Hunker Borough, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 17, 2011, 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.

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

3. The identified floodplain area shall consist of the following specific areas:

A. *Floodway Area (FW).*

(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 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.*

(a) Any encroachment that would cause any increase in flood heights shall be prohibited.

(b) 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 (FF).*

(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.*

(a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(b) 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 1 foot.

C. *Approximate Floodplain Area (FA).*

(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.*

(a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(b) 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 municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Hunker Borough.

(*Ord. 41, 11/2/1988, §3.00; as amended by Ord. 2011-1, 3/3/2011*)

§8-302. Changes in Floodplain Area Delineations.

1. The areas considered to be floodplain may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

2. No modification or revision of any floodplain area identified in the FIS shall be made without prior approval from FEMA. Additionally, as soon as practicable, but not later than 6 months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data. [*Ord. 2011-1*]

(*Ord. 41, 11/2/1988, §3.01; as amended by Ord. 2011-1, 3/3/2011*)

§8-303. Disputes.

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Council. The burden of proof shall be on the appellant.

(*Ord. 41, 11/2/1988, §3.02*)

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 Protection. [Ord. 2011-1]

2. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse. [Ord. 2011-1]

3. 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, ordinance and regulations.

4. Within the identified floodplain area (AE), 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 100-year flood more than 1 foot at any point.

5. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of the completion of any new construction, development, or other activity resulting in changes in the BFE. [Ord. 2011-1]

6. 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. [Ord. 2011-1]

7. 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. [Ord. 2011-1]

(Ord. 41, 11/3/1988, §4.00; as amended by Ord. 2011-1, 3/3/2011)

§8-402. Special Stream Setback Requirements.

Within the identified floodplain area (AE), the following provisions shall apply:

A. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection. [Ord. 2011-1]

(Ord. 41, 11/3/1988, §4.01; as amended by Ord. 2011-1, 3/3/2011)

§8-403. Elevation and Floodproofing Requirements.

1. *Residential Structures.* Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least 1½ feet above the 100-year flood elevation. The design and construction standards and

specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa.Code, Chapters 401-405, as amended, shall be utilized. [Ord. 2011-1]

2. *Nonresidential Structures.*

A. Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved 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.

B. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled “Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. [Ord. 2011-1]

3. Fully enclosed areas 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 to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. The term “fully enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. [Ord. 2011-1]

(Ord. 41, 11/3/1988, §4.02; as amended by Ord. 2011-1, 3/3/2011)

§8-404. Design and Construction Standards.

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

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

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

(2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

(4) Be no steeper than one vertical to two horizontal, 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.* 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 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.

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 floodproofed to the maximum extent possible.

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

H. *Anchoring.*

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

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. *Floors, Walls and Ceilings.*

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and construed 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 a “marine” or “water-resistant” quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” quality.

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

K. Electrical Components.

(1) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment.

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

M. Fuel Supply Systems.

(1) 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. 41, 11/3/1988, §4.03*)

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

1. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: [*Ord. 2011-1*]

A. Will be used for the production or storage of any of the following dangerous materials or substances;

B. 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;

C. Will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to

human life:

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium. [*Ord. 2011-1*]
- (11) Nitric acid and oxides of nitrogen. [*Ord. 2011-1*]
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides, and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any FW (Floodway), any structure of the kind described in subsection .1, above, shall be prohibited.

3. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any 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.

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. 41, 11/3/1988, §4.04; as amended by Ord. 2011-1, 3/3/2011*)

§8-406. Special Requirements for Manufactured Homes.

1. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

2. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

A. Placed on a permanent foundation.

B. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood.

C. Anchored to resist flotation, collapse, or lateral movement.

3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Pa.Code, Chapters 401-405. [Ord. 2011-1]

4. Consideration shall be given to the installation requirements of the 2006 IBC, and the 2006 IRC or the most recent revisions thereto and Title 34, Pa.Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation. [Ord. 2011-1]

(Ord. 41, 11/3/1988, §4.05; as amended by Ord. 2011-1, 3/3/2011)

§8-407. Special Requirements for Recreational Vehicles.

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

A. Be on the site for fewer than 180 consecutive days;

B. Be fully licensed and ready for highway use; or,

C. Meet the permit requirements for manufactured homes in §8-406.

(Ord. 41, 11/3/1988; as added by Ord. 2011-1, 3/3/2011)

§8-408. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are 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.

(Ord. 41, 11/3/1988; as added by Ord. 2011-1, 3/3/2011)

Part 5**Activities Requiring Special Permits****§8-501. General.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Borough: [*Ord. 2011-1*]

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. 41, 11/3/1988, §5.00; as amended by Ord. 2011-1, 3/3/2011*)

§8-502. Application Requirements for Special Permits.

Applicants for special permits shall provide five 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 1988, showing existing and proposed contours at intervals of 2 feet. [*Ord. 2011-1*]
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - (5) The location of any existing bodies of water or watercourses, building structures and other public or private facilities, including railroad tracks and facilities and any other natural and man-made features affecting, or affected by, the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concern-

ing 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 municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.

(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.

(4) Detailed information concerning any proposed flood-proofing measures.

(5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.

(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

Protection's "Planning Module for Land Development." [Ord. 2011-1]

(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. [Ord. 2011-1]

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166, 32 P.S. §679.302. [Ord. 2011-1]

(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. 41, 11/3/1988, §5.01; as amended by Ord. 2011-1, 3/3/2011)

§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 3:

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.

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 and Economic Development, by registered or certified mail, within 5 working days after the date of approval. [Ord. 2011-1]

E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 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 and Economic Development during the 30-day reviewing period, it may issue a special permit to the applicant. [Ord. 2011-1]

G. If the Department of Community and Economic Development 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. 2011-1]

(Ord. 41, 11/3/1988, §5.02; as amended by Ord. 2011-1, 3/3/2011)

§8-504. Special Technical Requirements.

1. In addition to the requirements of Part 4 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.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical method used correctly reflect currently accepted technical concept. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development. [Ord. 2011-1]

(Ord. 41, 11/3/1988, §5.03; as amended by Ord. 2011-1, 3/3/2011)

Part 6**Existing Structures in Identified Floodplain Areas****§8-601. General.**

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

A. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 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 Chapter.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure or use within the AE Area/District, regardless of cost, shall comply with the requirements of §§8-203.D(5) and 8-401.3

(Ord. 41, 11/3/1988, §6.00)

Part 7**Variances****§8-701. General.**

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

(*Ord. 41, 11/3/1988, §7.00*)

§8-702. Variance Procedures and Requirements.

Requests for variances shall be considered by the Borough in accordance with the following:

A. No variance shall be granted for any construction, development, use or activity within any floodway area/district that would cause any increase in the BFE. [*Ord. 2014-01*]

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

C. 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.

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

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

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

E. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:

(1) There is good and sufficient cause.

(2) Failure to grant the variance would result exceptional hardship to the applicant.

(3) The granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; (b) nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable State statute or regulations, or local ordinance or regulation.

F. 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 or biennial 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 100-year flood.

(*Ord. 41, 11/3/1988, §7.01; as amended by Ord. 2014-01, 10/2/2014*)

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. 41, 11/3/1988, §8.00*)

§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.

Base flood—a flood that has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). [*Ord. 2011-1*]

Base flood elevation (BFE)—the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, 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. Also referred to as “1 percent annual chance flood” and “100-year flood,” all of which terms are interchangeable. [*Ord. 2011-1*]

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.

Construction—the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

Development—any man-made change to improved or unimproved real estate, including, but not limited to, buildings, or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land,

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

Flood—a temporary inundation of normally dry land areas.

Flood 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. [*Ord. 2011-1*]

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. [Ord. 2011-1]

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

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

Floodway—the 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 1 foot. [Ord. 2011-1]

Identified floodplain area—the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood as shown in the FIS.

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 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 nonelevation design requirements of this Chapter. [Ord. 2011-1]

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

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 connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar, vehicles placed on a site for more than 180 consecutive days.

Manufactured home park—a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

New construction date—structures for which the start of construction commenced on or after April 2, 1987, and includes any subsequent improvements thereto. [Ord. 2011-1]

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, (A) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (B) which is placed where the flow of water might carry the same downstream to the damage of life and property.

One-hundred year flood—a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1 percent chance of occurring each year, although the flood may occur in any year). See also “base flood elevation.” [Ord. 2011-1]

One percent annual chance flood—see “base flood elevation.” [Ord. 2011-1]

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:

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

[Ord. 2011-1]

Regulatory flood elevation—the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Special flood hazard area (SFHA)—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. [Ord. 2011-1]

Special permit—a special approval which is required for hospitals, nursing homes, jails, and new manufactured homes, 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.

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 manufacture 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. [Ord. 2011-1]

Structure—a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. [Ord. 2011-1]

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 division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided, however, that the division of land for agricultural, not involving any new street or easement of access, 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 50 percent or more of the market value of the structure before the damage occurred. [Ord. 2011-1]

Substantial improvement—any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage” or “repetitive loss” regardless of the actual repair work performed. The term does not however include either:

A. 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,

B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

[Ord. 2011-1]

Violation—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 §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. [Ord. 2011-1]

(Ord. 41, 11/3/1988, §8.01; as amended by Ord. 2011-1, 3/3/2011)

§8-803. Adoption/Enactment.

This Chapter shall be effective on March 3, 2011, and shall remain in force until modified, amended or rescinded by the Borough of Hunker, Westmoreland County, Pennsylvania.

(Ord. 41, 11/3/1988; as added by Ord. 2011-1, 3/3/2011)