

ORDINANCE NO. 43

AN ORDINANCE OF THE TOWNSHIP OF UNION, CENTRE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. _____ COMMONLY REFERRED TO AS THE UNION TOWNSHIP FLOOD PLAIN ORDINANCE SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN THE AREAS OF THE TOWNSHIP OF UNION WHICH ARE SUBJECT TO FLOODING AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.

BE IT ENACTED by the Township of Union, Centre County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same as follows:

1. All reference contained in Ordinance No. 19 to the Federal Insurance Administrator is hereby amended to read Federal Emergency Management Agency (FEMA).
2. All references to the Department of Environmental Resources is hereby amended to read Department of Environmental Protection.
3. All references to Department of Community Affairs is hereby amended to read Department of Community and Economic Development.
4. All references to National Geodetic Vertical Datum of 1929 is hereby amended to read North American Vertical Datum of 1988.

5. Section 3 is amended to read as follows:

The identified floodplain area shall be any areas of the Township of Union, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated May 4, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

6. Section 4.05 is amended to read as follows:

Lowest Floor Requirements

Fully enclosed space below the lowest floor (including basement) is prohibited.

Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be

- G. Essentially dry space – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- H. Flood – a temporary inundation of normally dry land area.
- I. Floodplain area – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- J. Floodproofing – means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, water and sanitary facilities, structures and their contents.
- K. Floodway – the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
- L. Historic structure – any structure that is:
 - (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (ii) 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;
 - (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - (iv) 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.

- M. Lowest floor – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- N. 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 park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- O. 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 non-transient use.
- P. 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.
- Q. New construction – structures for which the start of construction commenced on or after November 3, 1989, and includes any subsequent improvements thereto.
- R. One hundred year flood – a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
- S. Recreational vehicle – a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- T. Regulatory flood elevation – the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

- U. Special Permit – a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and substantial improvement to such existing parks, when such development is located in all, or a designated portion of a flood plain.
- V. 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.
- W. 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 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 ten acres, not involving any new street or easement of access or residential dwelling shall be exempted.
- X. Substantial damage – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- Y. Substantial Improvement – any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent 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.

8. Section 9. Except as amended herein, all other provisions contained in Ordinance

No. 19 are hereby ratified and approved.

9. The within Ordinance shall take effect upon enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Union this

2 day of April, 2009.

UNION TOWNSHIP

By: [Signature]
Supervisor

By: [Signature]
Supervisor

By: [Signature]
Supervisor