

Chapter 148

FLOODPLAIN MANAGEMENT

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek 9-7-1982 by Ord. No. 1982-1 (Ch. V of the 1978 Code of Ordinances). Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 148-1. 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. **[Added 8-5-2008 by Ord. No. 2008-001]**

§ 148-2. Applicability. **[Amended 8-5-2008 by Ord. No. 2008-001]**

- A. 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 unless a development/building permit has been obtained from the Floodplain Administrator.
- B. A development/building permit shall not be required for minor repairs to existing buildings or structures.

§ 148-3. Abrogation and greater restrictions. **[Amended 8-5-2008 by Ord. No. 2008-001]**

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.

§ 148-4. Warning and disclaimer of liability.

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

ARTICLE II
Administration

§ 148-5. Permits required.

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

§ 148-6. Issuance of permits. [Amended 8-5-2008 by Ord. No. 2008-001]

- A. The Floodplain Administrator shall issue a development/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.
- B. Prior to the issuance of any development/building permit, the Floodplain Administrator shall review the application for permit to determine if all 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 Encroachment Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended);¹ the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1334.² No permit shall be issued until this determination has been made.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection regional office.
- D. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

1. Editor's Note: See 35 P.S. § 750.1 et seq., 32 P.S. § 693.1 et seq., and 35 P.S. § 691.1 et seq., respectively.

2. Editor's Note: See U.S.C. § 1344.

§ 148-7. Application procedures and requirements. [Amended 8-13-1990 by Ord. No. 1990-2; 8-5-2008 by Ord. No. 2008-001]

- A. Application for such a development/building permit shall be made in writing, to the Floodplain Administrator, on forms supplied by the Borough. Such application shall contain the following:
- (1) Name and address of the applicant.
 - (2) Name and address of the owner of land on which proposed construction is to occur.
 - (3) Name and address of the contractor.
 - (4) Site location and address.
 - (5) Listing of other permits required.
 - (6) Brief description of proposed work and estimated costs, including a breakout of the flood-related costs and the market value of the building before the flood damage occurred.
 - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for development/building permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- C. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in § 148-26) as may be required by the Floodplain Administrator to make the above determination:
- (1) A completed development/building permit application form.
 - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (a) North arrow, scale, and date.
 - (b) Topographic contour lines, if available.
 - (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

- (d) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
 - (e) The location of all existing streets, drives, and other accessways.
 - (f) 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.
- (3) 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 North American Vertical Datum of 1988.
 - (b) The elevation of the one-hundred-year flood.
 - (c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood.
 - (d) Detailed information concerning any proposed floodproofing measures.
 - (e) Supplemental information as may be necessary under 34 Pa Code Chapters 401 to 405 as amended, and Sections 1612.5.1, 104.7 and 109.3 of the 2003 IBC and Sections R106.1.3 and R104.7 of the 2003 IRC.
- (4) 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 one-hundred-year flood.
 - (b) Detailed information needed to determine compliance with § 148-22F, Storage, and § 148-23, Development which may endanger human life, including:
 - [1] The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
 - [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 § 148-23 during a one-hundred-year flood.
 - (c) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [**Amended 8-5-2008 by Ord. No. 2008-001**]

- (d) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- (e) Documentation, certified by a registered, professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

§ 148-8. Review of application by others. [Amended 8-5-2008 by Ord. No. 2008-001]

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

§ 148-9. Changes. [Amended 8-5-2008 by Ord. No. 2008-001]

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

§ 148-10. Placards. [Amended 8-5-2008 by Ord. No. 2008-001]

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

§ 148-11. Start of construction. [Amended 8-5-2008 by Ord. No. 2008-001]

- A. Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the development/building permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, 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.
- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§ 148-12. Inspection and revocation.

- A. 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 Borough laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- B. In the discharge of his duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- C. 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 development/building permit and report such fact to the Borough Council for whatever action it considers necessary. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- D. A record of all such inspections and violations of this chapter shall be maintained.
- E. The requirements of 34 Pa Code Chapters 401 to 405 and IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof, pertaining to elevation certificates and record retention shall be considered. **[Added 8-5-2008 by Ord. No. 2008-001]**

§ 148-13. Fees. [Amended 8-5-2008 by Ord. No. 2008-001; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Applications for a development/building permit shall be accompanied by a fee, payable to the Borough based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator at the following rates: \$10 per \$1,000 estimated cost and \$1 per \$1,000 estimated cost thereafter.

§ 148-14. Enforcement; violations and penalties. [Amended 8-5-2008 by Ord. No. 2008-001]

- A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulation adopted pursuant hereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;

- (4) 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;
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- B. Penalties. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

§ 148-15. Appeals.

- A. Any person aggrieved by an action or decision of the Floodplain Administrator concerning the administration of the provisions of this chapter may appeal to Borough Council. Such appeal must be filed, in writing, with the Borough Secretary, within 30 days after the decision or action of the Floodplain Administrator. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- B. Upon receipt of such appeal, the Borough Secretary 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.
- C. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this commonwealth including the Pennsylvania Flood Plain Management Act.³

3. Editor's Note: See 32 P.S. § 679.101 et seq.

ARTICLE III

Identification of Floodplain Areas**§ 148-16. Identification. [Amended 8-13-1990 by Ord. No. 1990-2; 8-5-2008 by Ord. No. 2008-001; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

The identified floodplain area shall be any areas of the Borough of Beech Creek subject to the one-hundred-year flood, which is identified as Zone A (Areas of Special Flood Hazard) in the Flood Insurance Study (FIS) dated 9-26-2008 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 FIS.

§ 148-17. Determination of one-hundred-year flood elevation. [Amended 8-13-1990 by Ord. No. 1990-2]

- A. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one-hundred-year flood elevations have been provided in the FIS.
- B. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-hundred-year flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- C. 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 to sufficient detail to allow a thorough technical review by the Borough.

§ 148-18. Changes in identification of area. [Amended 8-5-2008 by Ord. No. 2008-001]

The identified floodplain area may be revised or modified by Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

§ 148-19. Boundary disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Clinton County Planning Commission and any party aggrieved by this decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

ARTICLE IV

General Technical Requirements**§ 148-20. General requirements. [Amended 8-13-1990 by Ord. No. 1990-2]**

- A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.
- B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.
- C. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
- D. Within any identified floodplain area, 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. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- E. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.
- F. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sections 1612.4, 1603.1.6 and 3403.1) and the 2003 IRC (Sections R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sections 2.4 and Section 2.5, Chapter V) and 34 Pa Code (Chapters 401 to 405 as amended) shall be utilized. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- G. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- H. Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing 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. The design and construction standards and specifications contained in the IBC (Sections

1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1, and ASCE 24, Sections 2.4 and Chapter 7) and 34 Pa. Code (Chapters 401 to 405 as amended) shall be utilized. **[Amended 8-5-2008 by Ord. No. 2008-001]**

- I. Fully enclosed areas below the lowest floor (including basement) is prohibited. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- J. A 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 any area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" shall also include 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: **[Added 8-5-2008 by Ord. No. 2008-001]**
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- K. Consideration may be given to the requirements of 34 Pa. Code (Chapters 401 to 405 as amended) and 2003 IRC (Sections R323.2.2 and R323.1.4) and the 2003 IBC (Sections 1612.4, 1612.5, 1202.3.2 and 1203.3.3). **[Added 8-5-2008 by Ord. No. 2008-001]**

§ 148-21. Special requirements for AE Area/District. [Added 8-5-2008 by Ord. No. 2008-001]

Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

§ 148-22. 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 one vertical to two horizontal, unless substantiated data, justifying steeper slopes, is submitted to and approved by the Floodplain Administrator. **[Amended 8-5-2008 by Ord. No. 2008-001]**
 - (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 floodwaters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (4) The design and construction provisions of the UCC and 34 Pa. Code (Chapters 401 to 405 as amended) and contained in the 2003 IBC (Appendix G, Sections 401.3 and 401.4), the 2003 IRC (Section 323.1.6), the ASCE 24-98 (Section 8.3), FEMA No. 348, Protecting Building Utilities from Flood Damages and the International Private Sewage Disposal Code (Chapter 3) shall be utilized. **[Added 8-5-2008 by Ord. No. 2008-001]**
- D. Other utilities. All other utilities such as gaslines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one 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 § 148-23, 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 floodwater.
- H. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
 - (3) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 Pa. Code (Chapters 401 to 405, as amended) and contained in the 2003 IBC (Sections 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G 501.3), the IRC (Sections R301.1 and R323.1.1) and ASCE 24-98 (Section 5.6) shall be utilized. **[Added 8-5-2008 by Ord. No. 2008-001]**
- 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.
 - (5) The provisions of the UCC pertaining to this subsection and referenced in 34 Pa. Code (Chapters 401 to 405, as amended) and contained in 2003 IBC (Sections 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Sections R1323.1.7 and R501.3) and ASCE 24-98 (Chapter 6). **[Added 8-5-2008 by Ord. No. 2008-001]**
- 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.
 - (4) The standards and specifications contained in 34 Pa. Code (Chapters 401 to 405, as amended), the 2003 IBC (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Section R323.1.7). **[Added 8-5-2008 by Ord. No. 2008-001]**
- K. Electrical components.
- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.

- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (3) The provisions pertaining to the above provisions and referenced in the UCC and 34 Pa. Code (Chapters 401 to 405 as amended) and contained in the 2003 IBC (Section 1612.4), the IRC (Section R323.1.5), the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized. **[Added 8-5-2008 by Ord. No. 2008-001]**

L. Equipment.

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) The provisions pertaining to the above provision and referenced in the UCC and 34 Pa. Code (Chapters 401 to 405 as amended) and contained in 2003 IBC (Section 1612.4), the 2003 IRC (Section R323.1.5), the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized. **[Added 8-5-2008 by Ord. No. 2008-001]**

M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform Construction Code coordination. The Standards and specifications contained in 34 Pa. Code (Chapters 401 to 405 as amended) and not limited to the following provisions shall apply to the above and other sections and subsections of this chapter, to the extent that they are more restrictive and/or supplement the requirements of this chapter. **[Added 8-5-2008 by Ord. No. 2008-001]**

- (1) International Building Code (IBC) 2003 or the latest addition thereof (Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G).
- (2) International Residential Building Code (IRC) 2003 or the latest addition thereof (Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J).

§ 148-23. Development which may endanger human life.

A. In accordance with the Pennsylvania Flood Plain Management Act⁴ and the regulations adopted by the Department of Community and Economic Development 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 provisions of this section, in addition to all

4. Editor's Note: See 32 P.S. § 679.101 et seq.

other applicable provisions. The following list of materials and substances are considered dangerous to human life: **[Amended 8-5-2008 by Ord. No. 2008-001]**

- (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.
 - (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.
 - (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.
 - (10) Magnesium.
 - (11) Nitric acid and oxides of nitrogen.
 - (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.
- B. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in § 148-23A, above, shall be:
- (1) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood.
 - (2) Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
- C. 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 floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard. **[Amended 8-5-2008 by Ord. No. 2008-001]**

§ 148-24. Special requirements for manufactured homes. [Amended 8-13-1990 by Ord. No. 1990-2; 8-5-2008 by Ord. No. 2008-001]

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

- A. Placed on a permanent foundation.
- B. Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
- C. Anchored to resist flotation, collapsed or lateral movement.
- D. 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 2003 IRC 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 to 405.
- E. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Section 501.1-3) and the 2003 IRC (Section R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605) or the most recent revisions thereto, and 34 Pa. Code Sections 401 to 405, 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.⁵

ARTICLE V

Activities Requiring Special Permits

§ 148-25. General provisions. [Amended 8-13-1990 by Ord. No. 1990-2; 8-5-2008 by Ord. No. 2008-001]

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act,⁶ 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.

5. Editor's Note: Original § 405, Special requirements for the AE Area/District, as amended, of the 1978 Code of Ordinances, which immediately followed this subsection, was repealed 8-5-2008 by Ord. No. 2008-001.

6. Editor's Note: See 32 P.S. § 679.101 et seq.

- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement of to an existing manufactured home park or manufactured home subdivision.

§ 148-26. Required documents. [Added 8-5-2008 by Ord. No. 2008-001]

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

- A. A written request including a completed development/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 one inch being equal to 100 feet or less, showing the following:
- (1) North arrow, scale and date.
 - (2) Typography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two 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 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, buildings, structures and other public or private facilities, including railroad tracts 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 one-hundred-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 one-hundred-year flood.

- (4) Detailed information concerning any proposed floodproofing 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 one-hundred-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 one-hundred-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 one-hundred-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 one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows.
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.⁷
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

7. Editor's Note: See 32 P.S. § 679.302.

§ 148-27. 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 Article II:

- A. Within three 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 Clinton County Planning Commission and Borough Engineer, if any, for review and comment.
- B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respects 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 five working days after the date of approval. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- 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. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- F. If the Borough does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- 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. **[Amended 8-5-2008 by Ord. No. 2008-001]**

§ 148-28. Special technical requirements.

- A. In addition to the requirements of Article IV 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 Article IV of this chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. 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:
 - (1) 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:

- (a) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
 - (b) The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
- (2) Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.
- C. 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 and Economic Development. **[Amended 8-5-2008 by Ord. No. 2008-001]**

ARTICLE VI

Existing Structures in Identified Floodplain Areas [Amended 8-13-1990 by Ord. No. 1990-2]

§ 148-29. General applicability.

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 § 148-30 shall apply.

§ 148-30. Improvements.

- A. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
- (1) 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 one-hundred-year flood.
 - (2) No expansion or enlargement of an existing structure shall be allowed within any AE area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
 - (3) Any modification, alteration, reconstruction, or improvement, of any kind to any 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.

- B. The above activity shall also address the requirements of the 34 Pa. Code Chapters 401 to 405, as amended, and the 2003 IBC (Sections 3402.1 and 1612.4) and the 2003 IRC (Section R323.1.4). The requirements of 2003 IRC (Sections R102.7.1, R105.3.1, and Appendices E and J) or the latest revision thereof, and the 2003 IBC (Sections 101.3, 3403.1 and Appendix G) or the latest revision thereof, shall also be utilized in conjunction with the provisions of this section. [Added 8-5-2008 by Ord. No. 2008-001]

ARTICLE VII

Variances

§ 148-31. Grant of relief.

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.

§ 148-32. Variance procedures and conditions. [Added 8-13-1990 by Ord. No. 1990-2]

Requests for variances shall be considered by the Borough in accordance with the procedures contained in § 148-15 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 one-hundred-year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any AE area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
- C. Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of other requirements pertaining specifically to development regulated by special permit (Article V) or to development which may endanger human life (§ 148-23).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. 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.
- F. Whenever a variance is granted, the Borough shall notify the applicant in writing that:
- (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:

- (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will 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 ordinance and regulations.
- H. 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 Emergency Management Agency. **[Amended 8-5-2008 by Ord. No. 2008-001]**
- I. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

ARTICLE VIII

Definitions

§ 148-33. Word usage.

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

§ 148-34. Specific definitions. **[Amended 8-13-1990 by Ord. No. 1990-2]**

As used in this chapter, the following terms shall have the meanings indicated:

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

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 below ground level on all sides. **[Added 8-5-2008 by Ord. No. 2008-001]**

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.⁸

COMPLETE 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. **[Added 8-5-2008 by Ord. No. 2008-001]**

8. Editor's Note: The original definition of "construction," which immediately followed this definition, was repealed 8-5-2008 by Ord. No. 2008-001.

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 operation 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. **[Added 8-5-2008 by Ord. No. 2008-001]**

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 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 designated area of a floodplain required to carry and discharge floodwaters to a given magnitude. For the purposes of this chapter, the floodway shall be capable to accommodating a flood of the one-hundred-year magnitude.

HISTORIC STRUCTURE — Any structure that is: **[Added 8-5-2008 by Ord. No. 2008-001]**

- A. 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;
- 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 Interior; or
- 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 one-hundred-year flood. **[Added 8-5-2008 by Ord. No. 2008-001]**

LAND DEVELOPMENT — Any of the following activities: **[Added 8-5-2008 by Ord. No. 2008-001]**

- 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 residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision or 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, any 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. **[Added 8-5-2008 by Ord. No. 2008-001]**

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The terms include "parked trailers," "travel trailers," "recreational" and other similar vehicles which are placed on a site for more than 180 consecutive days. **[Amended 8-5-2008 by Ord. No. 2008-001]**

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 of 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.⁹

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after September 7, 1982, and includes any subsequent improvements thereto. **[Added 8-5-2008 by Ord. No. 2008-0011]**

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. **[Added 8-5-2008 by Ord. No. 2008-001]**

RECREATIONAL VEHICLE — A vehicle which is: **[Added 8-5-2008 by Ord. No. 2008-001]**

A. Built on a single chassis;

9. Editor's Note: The original definition of "obstruction," which immediately followed this definition, was repealed 8-5-2008 by Ord. No. 2008-001.

- B. Not more than 400 square feet, measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed for use as a permanent dwelling, but as temporary living quarters or recreational camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

SPECIAL PERMIT — A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks 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. The division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

SUBSTANTIAL ADDITIONS TO MANUFACTURED HOME PARKS — Any repair, reconstruction or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvements of the street, utilities and pads will equal or exceed 50% of the value of the streets, utilities, and pads for the repair, reconstruction, or improvement is started. **[Added 8-5-2008 by Ord. No. 2008-001]**

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% or more of the market value of the structure before the damage occurred. **[Added 8-5-2008 by Ord. No. 2008-001]**

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: **[Amended 8-5-2008 by Ord. No. 2008-001]**

- 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 an historic structure, provided that the alterations will not preclude the structure's continued designation as an "historic structure."

UNIFORM CONSTRUCTION CODE ("UCC") — The statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the

International Residential Code ("IRC") and the International Building Code ("IBC") by reference, as the construction standard applicable with the commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. **[Added 8-5-2008 by Ord. No. 2008-001]**