

ORDINANCE NO. 705

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

BE IT ENACTED and ORDAINED by Penn Township, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I GENERAL PROVISIONS

Section 1.00 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage 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.

Section 1.01 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development within the designated floodplain areas of Penn Township, unless a Building Permit has been obtained from the Enforcement Official.
- B. A Building Permit shall not be required for minor repairs to existing buildings or structures. "Minor repairs" shall be those repairs which meet the definition of "minor repairs" as defined in section 403.42(c) and 403.62(c) of the Uniform Construction Code as adopted by the Township. "Structures" shall refer to all "structures" as that term is defined in the Uniform Construction Code.

Section 1.02 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

### Section 1.03 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

### Section 1.04 Warning and Disclaimer of Liability

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

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

## ARTICLE II ADMINISTRATION

### Section 2.00 Permits Required

Permits shall be required before any construction or development is undertaken within any Identified Floodplain Area as defined herein of the Township.

### Section 2.01 Issuance of Building Permit

- A. The Code Official shall issue permits under the Uniform Construction Code 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. The Zoning Officer shall issue zoning permits 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.
- C. Prior to the issuance of any zoning permit, the Zoning Officer 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); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- D. In the case of existing structures, prior to the issuance of any Development/Building permit, the Code Official shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- E. 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 Township and until the applicant has obtained all required permits or approvals from the Department of Environmental Protection Regional Office.

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

### Section 2.02 Application Procedures and Requirements

- A. Application for such a Building Permit or Zoning Permit shall be made, in writing, to the Code Official or Zoning Officer on forms supplied by the Township and all applications shall contain the following information, even if not otherwise required on the application:
  - 1. Name and address of applicant.
  - 2. Name and address of owner of land on which proposed construction is to occur.
  - 3. Name and address of contractor.
  - 4. Site location including address.
  - 5. Listing of other permits required.
  - 6. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost 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 Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Official 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; and
  - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- C. For applications relating to an Identified Floodplain Area, applicants shall file the following minimum information plus any other pertinent information as may be required by the Code

Official to make the above determination:

1. A completed Building Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - 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 access ways; and
  - 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 (100) year flood;
  - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood;
  - d. detailed information concerning any proposed floodproofing measures; and
  - e. supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1 and Section 106.2 of the 2006 IBC and Section R106.1.3 and R104.7 of the 2006 IRC.
4. The following data and documentation:
  - a. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point;
  - b. 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 (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;

- c. detailed information needed to determine compliance with Section 4.03 F., Storage, and Section 4.04, Development Which May Endanger Human Life, including:
  - i) the amount, location and purpose of any materials or substances referred to in Sections 4.03 F. and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.
  - ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred (100) year flood.
- d. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;" and
- e. where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

#### Section 2.03 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 Applicant 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 Code Official for possible incorporation into the proposed plan.

#### Section 2.04 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 Code Official to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

#### Section 2.05 Changes

After the issuance of a building permit by the Code Official, 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 Code Official. Requests for any such change shall be in writing, and shall be submitted by the applicant to Code Official for consideration.

## Section 2.06 Placards

In addition to the building permit, the Code Official 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 Code Official.

## Section 2.07 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (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 Code Official. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

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

## Section 2.08 Inspection and Revocation

- A. During the construction period, the Code Official, or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the approved plan and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Code Official shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- C. In the event the Code Official 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 Code Official shall revoke the building permit.
- D. A record of all such inspections and violations of this ordinance shall be maintained.
- E. The requirements of the 34 PA Code Chapter 401-405 and the IBC (Sections 109.3.3, 1612.5.1 and 104.7) and the 2006 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be applied and enforced.

## Section 2.09 Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality as set forth in the Resolution establishing a schedule for fees for permits and services adopted by the Township from time to time.

## Section 2.10 Enforcement

## A. Notices

Whenever the Code Official or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, the Code Official shall give notice of such alleged violation as hereinafter provided. Such notice shall state at least the following: (1) The name of the owner of record and any other person against whom the municipality intends to take action; (2) The location of the property in violation; (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance; (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed; (5) That failure to comply with the notice within the time specified constitutes a violation, with possible sanctions (as set forth in 2.10B below) clearly described.

## B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Code Official or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall have penalties enforced in accordance with Section 110 of the Penn Township Code.

### Section 2.11 Appeals

- A. Any person aggrieved by any action or decision of the Code Official concerning the administration of the provisions of this Ordinance, may appeal all decisions to the Board of Commissioners, other than those decision appeals relating to or involving the Uniform Construction Code. All appeals of decisions relating to or involving the Uniform Construction Code shall be appealed as provided in the UCC. Any person aggrieved by any action or decision of the Zoning Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. All such appeals must be filed, in writing, within thirty (30) days after the decision, determination or action of the Code Official or Zoning Officer.
- B. Upon receipt of such appeal the Board of Commissioners shall set a time and place, within not less than ten (10) nor more than forty-five (45) 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 Board of Commissioners may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

## ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

### Section 3.00 Identification

The Identified Floodplain Areas shall be any areas of Penn Township 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 \_September 25, 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.

### Section 3.01 Description of Floodplain Areas

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

- A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

- C. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
- D. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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 the Township.

### Section 3.02 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Commissioners 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 (FEMA).

### Section 3.03 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Engineer and any party aggrieved by this decision or determination may

appeal to the Board of Commissioners. The burden of proof shall be on the appellant.

## ARTICLE IV TECHNICAL PROVISIONS

### Section 4.00 General

- A. 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 municipality, and until the applicant has obtained all required permits or approvals from the Department of Environmental Protection Regional Office.

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.

- B. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

### Section 4.01 Special Requirements for FW, FE and FA Areas

- A. With any FW (Floodway Area), the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

- B. Within any FE (Special Floodplain Area), 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 (100) year flood more than one (1) foot at any point.

- C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
3. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

### Section 4.02 Elevation and Floodproofing Requirements

A. Residential Structures

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, 1.5 feet above the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2006 IRC (Sec. R324.1.4, R324.2.1, and R324.2.2) and ASCE 24-05 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, 1.5 feet 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.
2. Any existing non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such 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.
3. The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1612.5.1 and 3403.1.1 and ASCE 24-05 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (including basement) is prohibited.
2. 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 designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must be certified by a registered professional engineer or architect, as meeting or exceeding the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b. the bottom of all openings shall be no higher than one (1) foot above grade.

- c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. The requirements of 34 PA Code (Chapters 401-405 as amended) and the 2006 IRC (Secs.R324.2.2 and R324.1.4) and the 2006 IBC (Secs. 1612.4, 1612.5, and 1203.3.3 shall apply.

D. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 600 square feet.
3. the structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the 100 year flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must be certified by a registered professional engineer or architect, as meeting or exceeding the following minimum criteria:
  - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 4.03 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 fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Township Engineer; and,
5. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the UCC shall be utilized.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner and shall meet or exceed the Township Stormwater Management Ordinance. 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. The provisions contained in the 2006 IBC (Appendix G401.5) shall be utilized.

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.
4. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Appendix G. Secs. 401.3 and 401.4), the 2006 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) shall be constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be at the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 4.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of 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.
3. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below 1.5 feet above 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 the 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2006 IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6) shall be utilized.

#### J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, 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 401-405, as amended) the 2006 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2006 IRC (Secs. R323.1.7 shall be utilized.

#### K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) 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 401-405) as amended and contained in the 2006 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24-05 (Chapter 8) shall be utilized. Wiring shall meet all requirement of the National Electric Code (NEC), which is hereby adopted by reference with respect to this ordinance.

#### L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below 1.5 feet above the Regulatory Flood Elevation.
2. The provisions pertaining to the above provision and referenced in the UCC and 34PA Code (Chapters 401-405), as amended and contained in the 2006 IBC (Sec.1612.4), the 2006 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24-05 (Chapter 8) shall be utilized.

#### M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into

the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

#### Section 4.03N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2006 or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2006 or the latest edition thereof:  
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

#### Section 4.04 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

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. Within any FW (Floodway Area), any structure of the kind described in Subsection A., and the production or storage of the materials above, shall be prohibited.
- C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100) year flood and,
  2. designed to prevent pollution from the structure or activity during the course of a one hundred (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 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.

#### Section 4.05 Special Requirements for Manufactured Homes

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within any FA (General Floodplain Area) or FE (Special Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation.
  2. elevated so that the lowest floor of the manufactured home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.
  3. anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. 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 Chapter 401-405.
- E. The installation requirements of the 2006 IBC (Appendix G, Sec. 501.1-3) and the 2006

IRC (Sec. R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, 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, shall be applied.

## ARTICLE V ACTIVITIES REQUIRING SPECIAL PERMITS

### Section 5.00 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following 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.

## ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

### Section 6.00 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 6.01 shall apply.

### Section 6.01 Improvements

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

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as

amended and the 2006 IBC (Sec. 3402.1 and 1612.4) and the 2006 IRC (Sec. 323.1.4).

- D. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.
- E. The requirements of 34 PA Code Chapter 401-405, as amended and the 2006 IRC (Secs. R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2006 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

## ARTICLE VII VARIANCES

### Section 7.00 General

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

### Section 7.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.11 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 (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article V) or to Development Which May Endanger Human Life (Section 4.04).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Township 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 Township shall consider, at a minimum, the following:
1. That there is good and sufficient cause.
  2. That failure to grant the variance would result in exceptional hardship to the applicant.
  3. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## ARTICLE VIII DEFINITIONS

### Section 8.00 General

Unless specifically defined in this Ordinance, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application. For all definitions not defined in this Ordinance, refer to the Penn Township Code Ordinance of Definitions and the latest adopted edition of the Uniform Construction Code (UCC).

## ARTICLE VX AMENDMENT

### Section 9. General

The Commissioners may, from time to time, revise, modify, and amend these regulations by appropriate action taken at a public meeting.

ARTICLE X REPEALER

Section 10. General

Ordinance Number 256 is hereby repealed.

ARTICLE XI EFFECTIVE DATE

Section 11. General

This Ordinance shall become effective September 25, 2009.

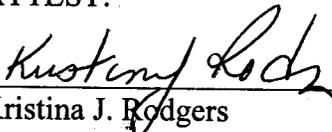
ENACTED and ORDAINED this 21<sup>st</sup> day of September, 2009

BOARD OF COMMISSIONERS,  
PENN TOWNSHIP, YORK COUNTY  
PENNSYLVANIA



By: Craig M. Prieber  
President

ATTEST:

  
\_\_\_\_\_  
Kristina J. Rodgers  
Secretary