

ORDINANCE – 48A

AN ORDINANCE OF THE TOWNSHIP OF HAINES, CENTRE COUNTY, PENNSYLVANIA, TO AMEND THE HAINES TOWNSHIP CODE, BY AMENDING CHAPTER 48, FLOODPLAIN MANAGEMENT, TO ENSURE COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM AND PENNSYLVANIA ACT 166 REQUIREMENTS.

Be it enacted and ordained by authority of the Supervisors of Haines Township, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same to amend the Code of the Township of Haines, Chapter 48, Floodplain Management, as follows:

SECTION 1 - INTENT

It is the intent of this Ordinance to update and amend Chapter 48, Floodplain Management, of the Haines Township Code to be compliant with the National Flood Insurance Program (NFIP) and Pennsylvania Act 166 requirements based upon FEMA's recently completed re-evaluation of flood hazards in the Township of Haines. This update and amendment of Chapter 48 will ensure the continued participation of Haines Township in the National Flood Insurance Program.

SECTION 2-SPECIFIC PROVISIONS

Any and all references to the following terms in Chapter 48, Floodplain Management, shall be replaced and amended to read as follows:

“Federal Insurance Administrator” shall be amended to read “Federal Emergency Management Agency (FEMA).”

“Department of Environmental Resources” shall be amended to read “Department of Environmental Protection.”

“Department of Community Affairs” shall be amended to read “Department of Community & Economic Development.”

“National Geodetic Vertical Datum” shall be amended to read “North American Vertical Datum of 1988.”

SECTION 3 – EFFECT ON CURRENT PROVISIONS

Delete §48-3 and replace with the following:

“§ 48-3. Effect on current provisions.

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

SECTION 4 – ISSUANCE OF BUILDING PERMITS

Delete §48-6 in its entirety and replace with the following:

“§ 48-6. Issuance of building permits.

Prior to the issuance of any building permit, the Building Permit 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.”

SECTION 5 – FLOODPLAIN AREAS DELINEATED

Delete §48-16 and replace with the following:

“§ 48-16. Floodplain areas delineated.

The identified floodplain area shall be any areas of Haines 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 May 4, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.”

SECTION 6 – DESIGN AND CONSTRUCTION STANDARDS

§ 48-22 C. shall be amended to read as follows:

“§ 48-22. Design and construction standards.

C. Sanitary sewer facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. 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.”

SECTION 7 - DEFINITIONS

The following definitions shall be added where appropriate in alphabetical order to § 48-28 B.:

“§ 48-28 Terms defined.

B. HISTORIC STRUCTURE – Any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

NEW CONTSTRUCTION – Structures for which the start of construction commenced on or after August 1, 1978, and includes any subsequent improvements thereto.

RECREATIONAL VEHICLE – A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent or more 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 work performed. The term does not, however include either:

- (1) 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
- (2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.””

SECTION 8 – EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED as an Ordinance of the Township of Haines, this _____ day of _____, 2009.

ATTEST:

TOWNSHIP OF HAINES

Secretary

