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**FLOODPLAIN MANAGEMENT**

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[HISTORY: Adopted by the Board of Supervisors of the Township of Haines 7-3-1978 by Ord. No. 10. Amendments noted where applicable.]

## GENERAL REFERENCES

Building construction — See Ch. 35.

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ARTICLE I  
General Regulations

**§ 48-1. 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 the 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. Maintain the township's compliance with the requirements and directives of the federal government, as required by its various agencies and departments.

**§ 48-2. Building permit required; exception.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken the construction, reconstruction, enlargement, alteration or relocation of any building or structure unless an approved building permit has been obtained from the proper designated township official.
- B. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved .

**§ 48-3. Effect on current provisions.**

This chapter supersedes any provisions currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

**§ 48-4. Liability of township.**

The granting of a building permit or approval of a subdivision or land development plan in any identified flood-prone area shall not constitute a representation, guaranty or warranty of any kind by the township or by any officer or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the township, its officials or employees.

ARTICLE II  
**Administration**

**§ 48-5. Building permits required.**

Building permits shall be required before any new construction, reconstruction, enlargement, alteration or relocation of any building or structures undertaken, or any development as defined herein.

**§ 48-6. Issuance of building permits.**

- A. The designated township official shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter and all other applicable codes and ordinances, state and federal permit requirements.
- B. No building permit shall be issued until all other required permits have been obtained from any other office or agency, and it shall be the responsibility of the party making application for a building permit to procure such other required permits.

**§ 48-7. Application procedures.**

- A. Application for such a building permit shall be made, in writing, to the township official on forms supplied by the township. Such application shall contain at least the following:
  - (1) Name and address of the applicant.
  - (2) Name and address of the owner of the land on which the proposed construction is to occur.
  - (3) Name and address of the contractor.
  - (4) Site location.
  - (5) Proposed lowest floor and basement elevations in relation to mean sea level.
  - (6) A brief description of proposed work and estimated cost.
  - (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 within or adjacent to any identified flood-prone area, applicants for building permits shall also provide the following specific information:
  - (1) A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:
    - (a) All such proposals are consistent with the need to minimize flood damage.

- (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (2) Such plan shall also include existing and proposed contours; information concerning one-hundred-year flood elevations, velocities and other applicable information, such as pressures, impact and uplift forces, associated with the one-hundred-year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures.
- (3) A document, certified by a registered professional engineer or architect, which states that the proposal construction has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure

**§ 48-8. Review by County Conservation District.**

A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the designated township official 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 designated township official for possible incorporation into the proposed plan. In the event the County Conservation District shall not comment on the proposed building plan within five days of submission, such comment will be deemed to have been waived.

**§ 48-9. Review of application by others.**

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the designated township official to any other appropriate agencies and/or individuals for review and comment.

**§ 48-10. Changes to application after approval.**

After the issuance of a building permit by the designated township 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 designated township official.

**§ 48-11. Placards; display required.**

In addition to the building permit, the designated township 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 designated township official.

**§ 48-12. Start of construction.**

Work on the proposed construction shall begin within six 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 designated township official. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, 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.

**§ 48-13. Inspection; revocation of permit.**

- A. During the construction period, the designated township official or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable township laws and ordinances.
- B. In the event that the designated township 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, error or misrepresentation by any applicant, the designated township official shall revoke the building permit and report such fact to the Board of Supervisors of the township for whatever action it considers necessary.

**§ 48-14. Fees. [Amended 11-7-1988 by Ord. No. 10B<sup>1</sup>]**

Application for a building permit shall be accompanied by a fee, payable to the township, based upon the estimated costs of the proposed construction as determined by the designated township official at the rate set forth in the Township Fees Resolution, adopted by the Board of Supervisors from time to time.<sup>2</sup>

**§ 48-15. Enforcement.**

- A. Notices. Whenever the designated township 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 chapter, or of any regulation adopted pursuant thereto,

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: The Fees Resolution is on file in the township offices and may be examined there during regular office hours.

such authority 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 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 commonwealth.
- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter, or any part thereof, and with the regulations adopted pursuant thereto.

B. Hearings.

- (1) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Supervisors of the township, provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the notice was served. Such petition shall be accompanied by a check in the amount of \$25 to cover the costs of advertising. The filing of the request for a hearing shall operate as a stay of the notice and the suspension.
- (2) Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof.
- (3) At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than 20 days after the day on which the petition was filed, provided that upon application of the petitioner, the Township Secretary may postpone the date of the hearing for a reasonable time beyond such twenty-day period, when, in his or her judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and order. After such hearing the Board of Supervisors of the township shall make findings as to compliance with the provisions of this chapter and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in Subsection A of this section.

D. Record and appeals. The proceedings at such a hearing, including the findings and decision of the Board of Supervisors of the township and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the township, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by a decision of the Board of

Supervisors of the township may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.

E. Violations and penalties.

- (1) This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.<sup>3</sup>
- (2) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Board of Supervisors of the township to be a public nuisance and abatable as such.

### ARTICLE III

#### Identification of Flood-Prone Areas

**§ 48-16. Floodplain areas delineated. [Amended 12-2-1991 by Ord. No. 10C]**

The identified floodplain area shall be those areas of Haines Township which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS) prepared for the township by the Federal Emergency Management Agency (FEMA), dated February 1978, or the most recent revision thereof.

**§ 48-17. Description of floodplain areas. [Amended 12-2-1991 by Ord. No. 10C]**

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

- (1) FW (Floodway Area): the areas identified as "Floodway" 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. For the purposes of this chapter, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one-hundred-year flood without increasing the water surface-elevation of that flood more than one foot at any point.

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified 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-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
  - (3) FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred-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-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-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.
- B. In lieu of the above, the township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis 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.

#### **§ 48-18. Changes in identification of flood-prone areas.**

For purposes of this chapter, the areas designated as flood-prone areas may be revised or modified by the township only when necessary where natural or man-made changes have occurred and/or where studies or information provided by a qualified agency or individual document the need or possibility for such revision, or upon the order or directions of the Federal Insurance Administration or other agency of the federal government. Any such change in area designation must be approved by the Federal Insurance Administration.

#### **§ 48-19. Disputes.**

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the designated township official, and any party aggrieved by such decision may appeal to the Board of Supervisors of the township. The determination of the designated township official shall be presumed correct and the burden of proof shall be on the appellant.

### ARTICLE IV Technical Provisions

#### **§ 48-20. General requirements.**

- 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 and until all required permits or approvals have been first obtained from the commonwealth. In addition, the Federal Insurance Administrator and Pennsylvania

Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

- B. Where a flood-prone area has been identified which includes a floodway area, the following provisions apply:
- (1) Within any designated floodway (FW) area, no new construction, development, use, activity or encroachment of any kind shall be allowed, except where the effect of such proposed activity on flood heights is fully offset by accompanying improvements.
  - (2) Within any designated flood-fringe (FF) area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.
- C. Where a flood-prone area has been identified, which does not include a floodway area, the following provisions apply:
- (1) Within any area designated FA, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this chapter, as well as any other applicable codes, ordinances and regulations.

**§ 48-21. Elevation and floodproofing requirements. [Amended 12-2-1991 by Ord. No. 10C]**

- A. Residential structures. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the one-hundred-year flood elevation. Enclosed areas below the lowest floor (including basement) are prohibited.
- B. Nonresidential structures.
- (1) Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the one-hundred-year flood elevation or be floodproofed up to that height.
  - (2) Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1½ 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 "Flood-Proofing Regulations" published by the United States Army Corps of Engineers (June 1972) 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) Enclosed areas below the lowest floor (including basement) are prohibited.

**§ 48-22. Design and construction standards.**

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area.

- A. Fill. If fill is used, it shall:
- (1) Extend laterally at least 15 feet beyond the building line from all points.
  - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
  - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (4) Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the designated township official.
  - (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 surface waters without damage to persons or property. The system shall ensure drainage at all points 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. 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.
- D. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- E. Streets. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- F. Utilities. All utilities, such as gas lines, electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- G. Storage. No materials that are buoyant, flammable, explosive or that, in times of flooding, could be injurious to human, animal or plant life shall be stored below the regulatory flood elevation.
- H. 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.
- I. 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.

J. 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 that 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.

K. Paints and adhesives.

- (1) Paints or other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

L. Electrical systems and components.

- (1) Electric water heaters, furnaces, air conditioning and ventilating systems and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing.

- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) On-site waste disposal systems shall be located so as to avoid impairment due to flooding.
- (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.
- (4) All gas and soil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.

Additional provision shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

**§ 48-23. Manufactured homes. [Amended 12-2-1991 by Ord. No. 10C]**

No manufactured homes shall be placed in any of the flood-prone areas as designated by the Flood Insurance Study dated February 1978, and prepared for the Township of Haines.

**ARTICLE V  
Variances**

**§ 48-24. Grant upon request.**

If compliance with the elevation or floodproofing requirements of this chapter would result in an exceptional hardship for a prospective builder, developer or landowner, the township may, upon request, grant relief from the strict application of the requirement.

**§ 48-25. Procedures for consideration of request.**

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

- A. Requests for variances must be filed in writing with the Board of Supervisors of the township. Upon receipt of such request, the Board shall set a time and place within not less than 10 days nor more than 45 days for the purpose of hearing the request.
- B. 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.
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. 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 chapter.
- E. 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.
- F. In reviewing any request for a variance, the township shall consider, but not be limited to, 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 not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public

expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or state ordinances and regulations.

- G. 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 Insurance Administration.

**§ 48-26. Requirements for all structures.**

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the one-hundred-year flood.

ARTICLE VI

**Existing Structures in Flood-Prone Areas**

**§ 48-27. Requirements for remaining.**

Structures existing in any identified flood-prone area prior to the enactment of this chapter, but which are not in compliance with these provisions, may continue to remain subject to the following:

- A. Existing structures located in any designated floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this chapter.

ARTICLE VII

**Definitions**

**§ 48-28. Terms defined.**

- A. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

**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 subgrade below ground level on all sides. [Added 12-2-1991 by Ord. No. 10C]

**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. [Amended 12-2-1991 by Ord. No. 10C]

**COMPLETELY DRY SPACE** — A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONSTRUCTION** — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes. [Amended 12-2-1991 by Ord. No. 10C]

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land. [Amended 12-2-1991 by Ord. No. 10C]

**ESSENTIALLY DRY SPACE** — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**FLOOD** — A temporary inundation of normally dry land areas.

**FLOOD-FRINGE AREA** — That portion of the floodplain outside of the floodway area.

**FLOODPLAIN** — See definition of “flood-prone area.”

**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.

**FLOOD-PRONE 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.

**FLOODWAY AREA** — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude.

**LAND DEVELOPMENT:**

- (1) The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings or the division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

**MANUFACTURED HOME** — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days. [Amended 12-2-1991 by Ord. No. 10C]

**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. [Amended 12-2-1991 by Ord. No. 10C]

**MINOR REPAIR** — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

**NEW CONSTRUCTION** — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure and/or improvements, such as streets, utilities, etc. Also, for the purposes of this chapter, all proposed subdivision and/or land development shall be considered to be new construction.

**OBSTRUCTION** — Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

**REGULATORY FLOOD ELEVATION** — The one-hundred-year flood elevation, plus a freeboard safety factor of 1½ feet.

**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. [Amended 12-2-1991 by Ord. No. 10C]

**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; provided, however, that 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.

## ARTICLE VIII

### Prohibited Development and Activities

#### § 48-29. Development which may endanger human life. [Added 12-8-1986 by Ord. No. 10A]

- A. The provisions of this section shall be applicable, in addition to any other applicable provisions of this chapter or any other ordinance, code or regulation.

- B. In accordance with the Pennsylvania Floodplain Management Act,<sup>4</sup> and the regulations adopted by the Department of Community Affairs 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 the provisions of this section, in addition to all other applicable provisions. The following materials and substances are considered dangerous to human life:

Acetone.  
Ammonia.  
Benzene.  
Calcium carbide.  
Carbon disulfide.  
Celluloid.  
Chlorine.  
Hydrochloric acid.  
Hydrocyanic acid.  
Magnesium.  
Nitric acid and oxides of nitrogen.  
Petroleum products (gasoline, fuel oil, etc.)  
Phosphorus.  
Potassium.  
Sodium.  
Sulphur and sulphur products.  
Pesticides (including insecticides, fungicides and rodenticides)  
Radioactive substances, insofar as such substances are not otherwise regulated.

- C. Within any floodway area any structure of the kind described in Subsection B above shall be prohibited.
- D. Where permitted within any Flood-Fringe Area or General Floodplain Area, any structure of the kind described in Subsection B above shall be elevated or designed and constructed to remain completely dry up to at least 1½ feet above the one-hundred-year flood and designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication Flood-Proofing Regulations (United States Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.
- E. Within any General Floodplain Area any structure of the kind described in Subsection B above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

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<sup>4</sup> Editor's Note: See 32 P.S. § 693.1 et seq.

- F. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this section.

**§ 48-30. Prohibited activities. [Added 12-8-1986 by Ord. No. 10A]**

- A. The provisions of this section shall be applicable, in addition to any other applicable provisions of this chapter or any other ordinance, code or regulation.
- B. The following activities shall be prohibited within any identified floodplain area:
- (1) 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:
    - (a) Hospitals.
    - (b) Nursing homes.
    - (c) Jails or prisons.
  - (2) 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. **[Amended 12-2-1991 by Ord. No. 10C]**