

**WESTFALL TOWNSHIP**

**FLOOD PLAIN DEVELOPMENT ORDINANCE**

**AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, CORPORATIONS AND OTHER ENTITIES TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT IN FLOOD PRONE AREAS; DEFINING FLOODPLAIN AREAS; PROVIDING FOR THE ISSUANCE OF FLOOD PLAIN DEVELOPMENT PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF WESTFALL TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISH PENALTIES FOR ANY FAILURE OR REFUSAL TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.**

**BE IT ENACTED** and **ORDAINED** by the Board of Supervisors of the Township of Westfall, Pike 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 anywhere within the flood prone areas of Township of Westfall unless a Flood Plain Development Permit has been obtained from the Township Board of Supervisors.
- B. A Flood Plain Development Permit shall not be required for minor repairs to existing buildings or structures.

Section 1.02 Abrogation and Greater Restrictions

This ordinance supersedes and replaces the Westfall Township Floodplain Development Ordinance adopted June 19, 1984, being Westfall Township Ordinance No. 44, as amended on November 1, 1988, by Westfall Township Ordinance No. 66. Further, this Ordinance supercedes any other conflicting provisions in any other Ordinances which may be in effect in identified floodplain areas. However, any such other ordinance provision 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 provision of this Ordinance 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 Floodplain Development

Floodplain Development Permits (hereinafter referred to as "F.D. Permits") shall be required before any construction or development is undertaken within any flood prone area of the Township.

#### Section 2.01 Issuance of F.D. Permit

- A. The Board of Supervisors shall issue a F.D. Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any F.D. permit, the Board of Supervisors shall review the application for the permit to determine if any 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.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Applicant and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands, or the successor in duty and function thereto, by whatsoever name the same may from time to time be known.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the Applicant prior to any alteration or relocation of any watercourse. Proof of notice shall be included by the applicant in the submission to the Township.

- D. The Board of Supervisors may delegate performance hereunder to a Township designee to act on the Board of Supervisors behalf, by resolution, where the application for any construction or development does not constitute a land development.

## Section 2.02 Application Procedures and Requirements

- A. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 5.01) as may be required by the Board of Supervisors to make the above determination:
1. Application for such a F.D. Permit shall be made, in writing, to the Board of Supervisors on forms supplied by the Township. Such application shall contain the following:
    - (a) Name and address of applicant.
    - (b) Name and address of owner of land on which proposed construction is to occur.
    - (c) Name and address of contractor.
    - (d) Site location.
    - (e) Listing of other permits required.
    - (f) Brief description of proposed work and estimated cost.
    - (g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings and structures.
  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, showing existing and proposed contours at intervals of two (2) feet or less.
    - (c) all property and lot lines including dimensions, and size of the site expressed in areas 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 National Geodetic Vertical Datum of 1929;
  - (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; and
  - (d) detailed information concerning any proposed floodproofing measures.
4. The following data and documentation:
- (a) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (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.
  - (b) 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 (1 00) year flood.
  - (c) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (d) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for F.D. Permits shall provide all the necessary information in sufficient detail and clarity to enable the Board of Supervisors 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.

#### 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 Pike County Conservation District for review and comment prior to the issuance of FD Permit, together with proof of notice required pursuant to §2.01(C) hereof. The recommendations of the Conservation District may be considered by the Township 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 which constitutes a Land Development under the Westfall Township Subdivision and Land Development Ordinance to be considered for approval shall be submitted to appropriate Township agencies and/or individuals, including the Planning Commission, Zoning Officer, Building Inspector and Township Engineer, for review and comment.

Section 2.05 Changes

After the issuance of a F.D. Permit, 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 and approval of the Township. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Township for consideration.

Section 2.06 Placards

In addition to the F.D. Permit, the Township 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 F.D. permit the date of its issuance and be signed by the Township Building Inspector.

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 F.D. Permit or the permit shall expire, unless a time extension is granted, in writing, by the Board of Supervisors or their aforesaid designee, if the application does not constitute a land development, as aforesaid. 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 piping 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 approval of such a request.



## Section 2.08 Inspection and Revocation

- A. During the construction period, the Building Inspector or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable 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 Building Inspector, his designee, and such other Township official as may accompany him, 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 Building Inspector or his designee discovers that the work does not comply with the permit application or any applicable Township ordinances, that any unsafe condition exists, or that there has been a false statement or misrepresentation by the applicant, the Building Inspector may revoke the F.D. permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- D. A record of all such inspections and violations of this ordinance shall be maintained.

## Section 2.09 Fees

Applications for an F.D. Permit, or any extension or renewal thereof, shall be accompanied by a fee, payable to the Township, as shall be set in a fee schedule as adopted by resolution of the Board of Supervisors. The Applicant shall also be required to pay to the Township in advance, a deposit or deposits to be applied by the Township toward the cost of the Township for all advertising and professional costs associated with inspection, hearings and application processing. All such costs incurred by the Township must be paid in full by the Applicant prior to the issuance of any permit hereunder, or certificate of Occupancy required under any other applicable Township ordinance.

## Section 2.10 Enforcement

### A. Notices

Whenever the Building Inspector or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, in addition to the authority contained in §2.08(C), the

Building Inspector shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) 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 by any other method authorized or required by the laws of this State, and (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

**B. Penalties**

This being an ordinance regulating building, health, public safety and water pollution, 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 or direction of the Building Inspector or any other authorized agent of the municipality, shall be guilty of an offense and, upon conviction in an action brought before District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall pay a daily fine of not more than One Thousand Dollars (\$1,000.00) per day for each day such failure or refusal occurs, together with any court costs and reasonable attorney's fees incurred by the Township, and in addition may be sentenced to undergo a period of imprisonment in the Pike County Prison not to exceed ninety (90) days or both. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Ordinance, which shall include such court costs and reasonable attorney's fees incurred by the Township in connection with any such action. The imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violation or noncompliance within a reasonable time as designated by the Township. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in contravention of this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 2.11 Appeals

- A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Permit Officer.
- B. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Board of Supervisors 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 area shall be those areas of the Township of Westfall which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated October 2000 and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

### 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. 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 to 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 Supervisors 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 Insurance Administration (FIA).

### Section 3.03 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Building Inspector and any party aggrieved by such decision or determination may appeal to the Board of Supervisors. 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 applicant, and until all required permits or approvals have been first obtained from all applicable Federal and State agencies.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, or the successor in duty and function thereto, by whatsoever name the same may from time to time be known, 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 Floodway and General Floodplain Areas

- C. Within any Floodway Area, (hereinafter referred to as "FW") the following provisions shall apply:
1. Any new construction, development, use, activity, or encroachment that would cause any increase in the one hundred (100) year 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, Bureau of Dams, Waterways and Wetlands, or the successor in duty and function thereto, by whatsoever name the same may from time to time be known.
- B. Within any General Floodplain Area, (hereinafter referred to as "FA"), the following provisions shall 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 any and all applicable Federal and State agencies.
  2. Any new construction or development, which would cause any increase in the one hundred (100) year 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 the regulatory flood elevation (100 year flood elevation plus one and one-half (1½) foot free board safety factor).

### B. Non-residential Structures

1. Within any identified floodplain area, any new construction or substantial improvement, (as hereinafter defined) of a non-residential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation (100 year flood elevation plus one and one-half (1½) foot free board safety factor), 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 non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1½) feet above the one hundred (100) 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 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.

### 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.

Design for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total of 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.

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 ( $1\frac{1}{2}$ ) 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 either be certified by a registered profession engineer or architect, or meet or exceed 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 Building Permit Officer, and,
5. Be used to the extent to which it does not adversely affect adjacent properties.
6. Samples of all fill proposed to be used, together with documentation of the source and structural characteristics thereof, shall be submitted in advance to the Township Engineer for approval.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of storm water runoff onto adjacent properties, roads, streets or rights-of-way.

C. Water and Sanitary Sewer Facilities and Systems

1. All new and 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 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.

D. Other Utilities

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

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in 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.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

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 of "marine" or "water-resistant" paint or other finishing material.

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.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharge 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 4.04 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 by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. 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 substance on the premises; or
3. 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., above, shall be prohibited.
- C. Within any FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. 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 ( $1\frac{1}{2}$ ) 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) manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. In addition to any other requirements, where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - 1. Placed on a permanent foundation.
  - 2. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home is one and one half ( $1\frac{1}{2}$ ) feet or more above the elevation of the one hundred (100) year flood.
  - 3. Anchored to resist flotation, collapse, or lateral movement due to structural loads and stresses from flooding equal to the regulatory flood.
- D. For manufactured homes in manufactured home parks, an evacuation plan indicating alternative vehicular access and escape routes shall be filed with the Township.

## 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 without a special permit therefore.

- 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 placement, construction or erection of a manufactured home or any substantial improvement thereto, or the development or construction of a new manufactured home park or manufactured home subdivision, or the substantial improvement to an existing manufactured home park or manufactured home subdivision..

## ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREA

### 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. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.



## 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 Board of Supervisors 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. Except for a possible modification of the one and one half (1½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 4.04).
- 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 Ordinance.
- 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, 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.

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.

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

### Section 8.01 Specific Definitions

1. Accessory use or structure - a building or use customarily incidental to the use of the principal building and located on the same lot as the principal building or use.
2. Basement - means any area of the building having its floor below ground level on all sides.
3. Building - A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto, and designed, intended, or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. Included shall be all manufactured homes and trailers to be used for human habitation.
4. 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.
5. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
6. 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.
7. Flood - a temporary inundation of normally dry land areas.
8. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

9. Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
1. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (1 00) year magnitude.
11. 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;
  - ii Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - iv Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior or
    - (2) Directly by the Secretary of the Interior in states without approved programs.
12. Identified floodplain area - the floodplain area specifically identified in this Ordinance as being inundated by the ,one hundred (100) year flood.
13. Land development - Any of the following activities:
- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (ii) the division or allocation of land or space, whether initially or cumulatively, 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.

- 14. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- 15. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- 16. Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- 17. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

18. New construction - structures for which the start of construction commenced on or after June 19, 1984, and includes any subsequent improvements thereto.
19. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
20. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
21. 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.
22. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half ( $1\frac{1}{2}$ ) feet.
23. Structure - any combination of materials forming a unit which requires location in or on the ground or which is attached to something having location on the ground. The term "structure" shall include signs, fences, walls, towers, swimming pools, porches, garages, septic systems, and similar structures.
24. 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, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
25. 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.

26. Substantial improvement-Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start 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:

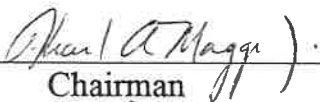
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

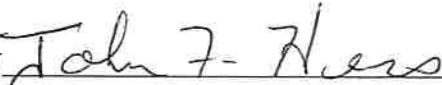
27. Top of Bank: The stage or "top of channel" at the incipient point of flooding-i.e., when the channel is flowing full and the water surface is at the floodplain area level.

28. Township - The Township of Westfall, Pike County, Pennsylvania.


**ORDAINED AND ENACTED** this 2nd day of January, 2001

WESTFALL TOWNSHIP

By   
Chairman

By   
Supervisor

By   
Supervisor

By   
Supervisor

By \_\_\_\_\_  
Supervisor

Attest:

  
Township Secretary