

**Westfall Township
Pike County, Pennsylvania**

**FLOODPLAIN
DEVELOPMENT
ORDINANCE**

(Ordinance No. 44)

Adopted June 19, 1984

**Westfall Township Board of Supervisors
Carlton Shay - Chairman**

**Westfall Township Planning Commission
Douglas Hay - Chairman**

**Prepared by Thomas J. Shepstone
Planning Consultant**

**WESTFALL TOWNSHIP FLOODPLAIN DEVELOPMENT ORDINANCE
(Ordinance No. 44)**

AN ORDINANCE REQUIRING PERMITS AND SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN THE FLOODPRONE AREAS OF WESTFALL TOWNSHIP; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

Be It Enacted and Ordained by the Township of Westfall, Pike County, Pennsylvania, as follows:

ARTICLE I - GENERAL PROVISIONS

1.01 Intent

This Ordinance is intended to meet the objectives and comply with the requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act; and protect the public health and safety by preventing excessive development of floodprone areas.

1.02 Applicability

It shall be unlawful for any person, business, corporation, or association to undertake, or cause to be undertaken, any construction or development anywhere within the floodprone areas of Westfall Township (as defined herein) unless a Floodplain Development Permit has been obtained from the Township Board of Supervisors.

1.03 Abrogation and Greater Restrictions

This Ordinance supersedes the provisions of any other ordinances which may affect floodprone areas. However, any other ordinance provisions shall remain in force and affect to the extent that these provisions are more restrictive.

1.04 Severability

If any portion of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Ordinance.

1.05 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 on rare occasions. 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 floodprone area, 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 Westfall Township or any officer or

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employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II - ADMINISTRATION

2.01 Permits Required

Floodplain Development Permits shall be required before any construction or development is undertaken in a floodprone area. Such permits shall be issued only after it has been determined the proposed work will conform to the requirements of this and all other applicable codes and ordinances. No permit shall be issued until it has been determined that all other necessary governmental permits have been obtained, including those require by the Dam Safety and Encroachments Act; the U.S. Clean Water Act (Section 404); and the Pennsylvania Clean Streams Act. Application for a permit under the Pennsylvania Sewage Facilities Act shall be made concurrently with application for a Floodplain Development Permit and no permits shall be issued until the base flood elevation (see Section 3.01) shall have first been determined.

No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which maybe affected by such action, the Federal Insurance Administrator and the Pennsylvania Department of Community Affairs have been notified by Westfall Township.

2.02 Enforcement

This Ordinance shall be administered by the Westfall Township Board of Supervisors who may, at any time, designate a representative(s) to act on their behalf in the enforcement of the provisions contained herein.

2.03 Application Procedures and Requirements

Application for a Floodplain Development Permit shall be made to the Township Board of Supervisors by letter or 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. A plan of the entire site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

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- 1. north arrow, scale, and date,**
 - 2. a location map showing the vicinity in which the proposed activity or development is to be located within the municipality;**
 - 3. topography showing existing and proposed contours at intervals of two (2) feet,**
 - 4. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet,**
 - 5. the location of all existing streets, drives, and other access ways with information concerning widths, pavement types and construction, and elevations,**
 - 6. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development,**
 - 7. the location of the identified floodprone area boundary line, floodway line as determined by the applicant, one hundred (100) year flood elevations, and complete information concerning the flow of water including direction and velocities, flood depths, pressures, impact and uplift forces and other factors associated with a one-hundred (100) year flood.**
 - 8. accurate location of all proposed buildings, structures, and any other improvements, including any existing or proposed subdivision and land development to assure that:**
 - i. all such proposals are consistent with the need to minimize flood damage;**
 - ii. all utilities and facilities, such as sewer, gas, electrical: and water systems are located and constructed to minimize or eliminate flood damage; and**
 - iii. adequate drainage is provided so as to reduce exposure to flood hazards.**
- E. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:**

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- 1. detailed architectural or engineering drawings including building size, floor plans, section, and exterior building elevations, as appropriate,**
- 2. the proposed lowest flood elevations of any proposed building based upon National Geodetic Vertical Datum of 1929,**
- 3. detailed information concerning any proposed flood-proofing measures,**
- 4. cross-section drawings for all proposed streets, drives, and other access ways and parking areas showing all rights-of-way and pavement widths,**
- 5. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades,**
- 6. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities,**
- 7. soil types.**

F. The following data and documentation:

- 1. a document, certified by a registered professional engineer or architect, which indicates that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood. Such statement shall include a description of the types and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development and certify that "the proposed activity will comply in all other respects with this Ordinance."**
- 2. a signed and notarized statement by the applicant(s) that the proposed development will comply with Section 4.2 of this Ordinance and will not involve any of the activities prohibited thereunder.**
- 3. the appropriate components) of the Department of Environmental Resources "Planning Module for Land Development."**
- 4. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.**

2.04 Review of application by Others

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Copies of plans and applications for any proposed construction or development may be submitted by the Township to any other appropriate agencies and with individuals, including but not limited to the County and Township Planning Commissions, County Conservation District and Department of Environmental Resources, for review and comment provided the application is acted upon within the ninety (90) day period provided by Commonwealth Statute.

2.05 Changes

After the issuance of a Floodplain Development Permit by the Township, 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 of approval of the Board of Supervisors or its designee. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Board for consideration,

2.06 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Township. Construction and/or development shall be considered to have started with the preparation of land, the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

2.07 Inspection and Revocation

- A. During and following the construction period, an authorized official of the Board of Supervisors shall inspect the premises to determine that the work is progressing and is completed in compliance with the information provided on the application and with all applicable Westfall Township laws and ordinances.
- B. In the discharge of their duties, Township officials shall have the authority to enter any building, structure, premises or development in the identified floodprone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- C. To the event the inspecting official discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, he shall revoke the 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.

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2.08 Fees

Application for Floodplain Development Permits shall be accompanied by a fee, payable to Westfall Township, and according to a schedule of fees as shall be adopted and amended from time to time by resolution of the Board of Supervisors. Applicants shall also be required to reimburse the Township for all advertising and professional costs associated with inspections, hearings and application processing.

2.09 Violations

A. Notices

Whenever the Board of Supervisors or any authorized representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Board or such representative 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 with such notice by any other method authorized or required by the laws of this Commonwealth; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Board or any other authorized representative of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Westfall Township of not less than Twenty-Five Dollars (\$25.00) nor more than Three-Hundred Dollars (\$300) plus costs of prosecution. In default of such payment, such person shall be imprisoned in County Prison for a period not to exceed ten (10) days. 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. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance 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 development initiated or any structure or building

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constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

2.10 Appeals

- A. Any person aggrieved by an action or derision of a Township representative refusing to grant a modification to the provisions of this Ordinance covering the development of land or the manner of construction or materials to be used building or structure, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the representative.**
- B. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than 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 Floodplain Management Act.**

ARTICLE III - IDENTIFICATION OF FLOODPRONE AREAS

3.00 Identification

The identified floodprone area shall be any area of Westfall Township, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area zones s) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Insurance Administration, or its successor agencies. and dated May 21, 1975 or any subsequent revision thereto.

3.01 Determination of the Base Flood Elevation

For the purposes of this Ordinance, a one-hundred (100) year flood shall be the basis of the base flood elevation. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodprone area which is nearest the construction site In question will be used. In helping to make this necessary elevation determination other sources of: data, where available, shall be used, such as:

- A. Corps of Engineers - Flood Plain Information Reports**
- B. U.S. Geological Survey - Flood Prone Quadrangles**

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- C. U.S.D.A. Soil Conservation Service - County Soil Surveys (alluvial soils) or P.L. 566 Flood Information**
- D. Pennsylvania Department of Environmental Resources - Flood Control Investigations**
- E. Known Highwater Marks from past Floods**
- F. Other Sources**

In lieu of the above, the Township may require the applicant To determine the elevation and establish the extent to which the proposed activity or development is within the floodway (as opposed to the floodfringe) with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

3.02 Changes in Identification of Area

The delineation of any of the identified floodplain area may be revised by Westfall Township where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Delaware River Basin Commission or other qualified agency or individual documents the justification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agencies.

3.03 Boundary Disputes

Should a dispute concerning any identified floodprone area boundary arise, an appeal shall be made to the Township Board of Supervisors and any party aggrieved by the decision of the Board may appeal to the Court of Common Pleas. The burden of proof shall be on the appellant.

ARTICLE IV - STANDARDS

4.00 General

- A. In the identified floodprone area, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.**

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- B. Within any identified floodprone area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of bank of any watercourse.**
- C. Within any identified floodprone area, the lowest floor (including basement) of any new or improved residential structure shall be elevated to or above the one hundred (100) year base flood elevation.**
- D. Within any identified floodprone area, the lowest floor (including basement) of non-residential structures shall be elevated to or above the one hundred (100) year base flood elevation or be floodproofed up to that height.**

4.01 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodprone 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, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township; and,**
- 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 storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent

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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 flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. Absorption areas for sub-surface sewage disposal systems shall not be permitted within the floodway.

D. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters 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 (1) foot below the one hundred year base flood elevation.

F. Utilities

All utilities such as gas lines;, electrical and telephone systems being placed in an identified floodplain area should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. 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 4.02 Development Which May Endanger Human Life, shall be stored at or above the one-hundred (100) year base flood elevation and/or floodproofed to the maximum extent possible.

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 flood water.

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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 one-hundred (100) year base flood elevation shall be securely anchored or affixed to prevent flotation.**

J. Floors, Walls and Ceilings

- 1. Wood flooring used at or below the one-hundred (100) year base 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 this base flood elevation shall be of a "marine" or "water-resistant" variety.**
- 3. Walls and ceilings at or below this base 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 this base 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 one hundred (100) year base flood elevation shall be of "marine" or water-resistant quality.**
- 2. Adhesives used at or below this base flood elevation shall be of a "marine" or water-resistant paint or other finished material.**
- 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 one hundred (100) year base flood elevation.**

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2. **Electrical distribution panels shall be at least three (3) feet above the base 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 one hundred (100) year base elevation.**
2. **No part of any on-site sewage disposal system shall be located within any identified floodway area.**
3. **Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.**
4. **All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.**

4.02 Restricted Activities and Development

- A. In accordance with the Pennsylvania Floodplain Management Act and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure within the identified floodprone area which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply more than 500 gallons or other comparable volume or any amount of radioactive substances of any of the following materials or substances on the premises shall be subject to the provisions of this section as well as all other applicable provisions of this and other Township Ordinances:**

1. **Acetone**
2. **Ammonia**
3. **Benzene**
4. **Calcium carbide**
5. **Carbon disulfide**
6. **Celluloid**
7. **Chlorine**
8. **Hydrochloric acid**

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- 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. Sulfur and sulfur products**
- 17. Pesticides (including insecticides, fungicides, and rodenticides)**
- 18. Radioactive substances, insofar as such substances are not otherwise regulated**

B. Where permitted within any identified floodprone area (not under any circumstances within any floodway or within 50 feet landward from the top of bank of any watercourse, whichever is greater) any new or substantially improved structure of the kind described in Section 4.02(A) above shall be elevated, or floodproofed to remain dry, up to at least one and one-half (1-1/2) feet above the one-hundred year base flood elevation. The Board of Supervisors may modify this particular requirement, to reduce the 1-1/2 feet to as low as the 100 year base flood elevation provided the applicant can demonstrate and the Township can determine:

- 1. That there are unique physical circumstances, including such things as exceptional topographical, or other existing natural or man-made conditions peculiar to the property.**
- 2. That because of such physical circumstances and condition, the proposed development cannot be reasonably designed and constructed in compliance with the applicable requirements, and that a modification is therefore necessary.**
- 3. That failure to grant the requested modification will result in exceptional hardship to the applicant.**
- 4. That approval of the request will not result in any increased flood heights within any designated floodway.**
- 5. That approval of the request will not result in any additional threat to public health and safety, or result in any extraordinary public expense, or create any nuisance.**
- 6. That approval of the request will not result in any conflict with any other applicable laws or regulations.**

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In approving a request for a modification, the Board of Supervisors shall:

- 1. Authorize the least reduction necessary to provide relief.**
 - 2. Notify the applicant in writing that approval of the request will, (i) result in increased premium rates for flood insurance; and (ii) increase risks to the structure, its contents, or occupants. Such notification shall be included with the municipal records, as required below.**
 - 3. Maintain a complete record of all requests which have been approved, authorizing reductions in freeboard.**
 - 4. Report all such requests which have been approved in its annual report to the Department.**
- C. The following obstructions and activities are prohibited if located entirely or partially within an identified floodprone area:**
- 1. hospital (public or private)**
 - 2. nursing homes (public or private)**
 - 3. jails or prisons**
 - 4. new mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and development.**

4.03 Special Requirements for Mobile Homes

- A. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:**
- 1. anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the installation of Mobile Homes including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones other appropriate standards such as and specifically including the following:**
 - a. over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in**

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length.

- b. **frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations or units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.**
 - c. **all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.**
- 2. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:**
- a. **the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the elevation of one-hundred (100) year base flood.**
 - b. **adequate surface drainage is provided.**
 - c. **adequate access for a hauler is provided.**
 - d. **where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for eight (8) feet or more above the ground level.**
- B. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.**

ARTICLE V - EXISTING STRUCTURES IN IDENTIFIED FLOODPLAINS AREAS

Structures existing in any identified floodprone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain, provided; 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 be undertaken only in full compliance with the provisions of this Ordinance. All improvements to existing structures within floodplain areas shall require floodplain development permits for purposes of determining whether such improvements are substantial in nature. Such determination shall be the sole responsibility of the Township Supervisors (although the applicant may be required to submit evidence that the proposed improvement will not represent 50% or more of the market value of the existing structure) and if the Board shall determine that the improvement is not substantial it may waive

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other application and Ordinance requirements. This shall not, however, relieve the applicant from requirements to comply with other Township Ordinances or obtain a building/zoning permit.

ARTICLE VI - VARIANCES

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

Requests for variances shall be processed in the same manner as appeals pursuant to Section 2.10 except that an additional thirty (30) days shall be available to the Board of Supervisors for purposes of considering and deciding the matter during which time the Board shall provide an opportunity for the Township Planning Commission to make an advisory review of the application. The following requirements shall also apply:

1. No variance shall be granted for any of the requirements pertaining specifically to development expressly prohibited by Section 4.02.
2. If granted, a variance shall involve only the least modification necessary to provide relief.
3. In granting any variance, the Board of Supervisors 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.
4. When a variance is granted, the Board shall notify the applicant in writing that:
 - a. the granting of the variance may result in the increased premium rates for flood insurance.
 - b. such variances may increase the risks to life and property.
5. In reviewing any request for a variance, the Board shall consider, at a minimum, the following:
 - a. that there is good and sufficient cause.
 - b. that failure to grant the variance would result in exceptional hardship to the applicant.

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- c. 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.
6. 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 or its successor agencies.

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. No variance issued pursuant to this Ordinance shall relieve the applicant(s) from any requirement to obtain a permit pursuant to or variance from the provisions of any other Township Ordinance.

ARTICLE VII - DEFINITIONS

7.00 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.

7.01 Specific Definitions

- A. **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.
- B. **Building** - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- C. **Construction** - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- D. **Development** - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

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- E. Flood - a temporary inundation of normal dry land areas.**
- F. Floodprone 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. "Floodprone area" shall be synonymous with "Floodplain."**
- G. Flood-fringe - that portion of the 100-year floodplain outside of the floodway area.**
- H. Floodway - the portion of the 100-year flood plain, including the watercourse itself and any adjacent land areas, that must be kept open in order to carry the water of a 100-year flood without causing an increase of more than one foot in the elevation of the existing 100-year flood. The floodway shall, in the absence of evidence establishing a greater width, be assumed to extend to fifty (50) feet landward from the top of bank of the watercourse.**
- I. Flood-proofing - means any combination of structural and non-structural 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.**
- J. 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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.**
- K. Mobile home - means 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 not include recreational vehicles or travel trailers.**
- L. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for**

**WESTFALL TOWNSHIP FLOODPLAIN DEVELOPMENT ORDINANCE
(Ordinance No. 44)**

nontransient use.

- M. 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 floodprone 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 is placed where the floor of the water might carry the same downstream to the damage of life and property.**
- N. 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).**
- O. Base flood elevation - the one hundred (100) year flood elevation. Also referred to as "regulatory flood elevation."**
- P. Structure - anything constructed or elected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.**
- Q. 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 of lot development.**

ARTICLE VIII - ENACTMENT

Enacted into law this 19th day of June, 1984 by the Westfall Township Board of Supervisors.

ATTEST: Audrey Ewald _____
Secretary

/ s / Carlton L. Shay _____

/ s / George E. Decker, Sr. _____

/ s / Benjamin Cooper _____