

Chapter 8

Floodplains

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Part 1**General Provisions****§8-101. 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 to 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.

(Ord. 7-1978, 9/11/1978)

§8-102. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes in the identified flood-prone area(s). 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 Chapter does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas, will be free from flooding or flood damages.

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

(Ord. 7-1978, 9/11/1978)

Part 2**Definitions****§8-201. Word Usage.**

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

(Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991)

§8-202. Definitions.

1. 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.

Building - a combination of materials to form a permanent structure having walls and a roof; included shall be manufactured homes and trailers to be used for human habitation.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

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.

Flood - a temporary inundation of normally dry land areas.

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.

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.

Floodway - the designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this Chapter, the "floodway" shall be capable of accommodating a flood of the 100-year magnitude.

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.

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.

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.

100-year flood - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1% chance of occurring each year, although the flood may occur in any year).

Regulatory flood elevation - the 100-year-flood elevation, plus a freeboard safety factor of 1½ feet.

Special permit - special approval which is required for hospitals, nursing homes, jails and new manufactured home parks or subdivisions and substantial improvements to such existing manufactured home parks or subdivisions when such development is located partly or entirely within a designated floodplain.

Structure - anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes or other similar items.

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 subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

Substantial improvement - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

2. For the purposes of floodplain management, the words "mobile home" or "mobile home park" shall be replaced with the words "manufactured home" and "manufactured home park" within any delineated floodplain area.

(Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991)

Part 3**Administration****§8-301. Building Permits Required.**

Building permits shall be required before any proposed construction or development is undertaken within any identified flood-prone areas of the Borough of Clarks Green.

(Ord. 7-1978, 9/11/1978)

§8-302. Issuance of Building Permits.

1. The building 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 and all other applicable codes and ordinances including but not limited to, the Zoning [Chapter 27] and Subdivision [Chapter 22] Ordinances of the Borough.

2. No building permit shall be issued until all other required permits have been obtained from any other office or agency.

(Ord. 7-1978, 9/11/1978)

§8-303. Application.

1. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

A. 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.

B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

2. Applicants shall file the following minimum information, plus any other pertinent information as may be required by the building permit officer to make the above determination:

A. A completed building permit application form.

B. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following.

(1) North arrow, scale and date.

(2) Topographic contour lines, if available.

(3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.

(4) The location of all existing and proposed buildings, structures and

other improvements, including the location of any existing or proposed subdivision and land development.

(5) The location of all existing streets, drives and other accessways.

C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(2) The elevation of the 100-year flood.

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.

(4) Detailed information concerning any proposed flood-proofing measures.

D. The following data and documentation:

(1) 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 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-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 and/or the development.

(2) Detailed information needed to determine compliance with §8-504, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

(b) 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 §8-504 during a 100-year flood.

(3) The appropriate component of the Department of Environmental Protection Planning Module for Land Development. [*Ord. 3-2005*]

(4) 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. [*Ord. 3-2005*]

(*Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991; and by Ord. 3-2005, 10/10/2005*)

§8-304. Other Permit Requirements.

1. Prior to any proposed alteration or relocation of any stream or any water-course, etc., within the Borough, a permit shall be obtained from the Department of Environmental Protection, as specified in the Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.* Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development. Under no circumstances shall any use, activity and/or development

adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system. [*Ord. 3-2005*]

2. Prior to the issuance of any building permit, the building official shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.* and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.

(*Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991; and by Ord. 3-2005, 10/10/2005*)

§8-305. Violations and Penalties.

Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Building Inspector or any other authorized employee of the Borough upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Each day during which any violation of this Chapter 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 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 Borough of Clarks Green to be a public nuisance and abatable as such.

(*Ord. 7-1978, 9/11/1978; as amended by Ord. 3-1989, 10/9/1989, §67-9; and by Ord. 3-2005, 10/10/2005*)

Part 4**Designation of Flood-Prone Areas****§8-401. Identification of Floodplain Areas.**

The identified floodplain area is any area of the Borough subject to inundation by a 100-year flood that is identified as a special flood hazard area on the Flood Hazard Boundary Map (FHBM) dated July 18, 1975, or the most recent revision thereto, or, after it becomes effective, the Flood Insurance Rate Map (FIRM) dated June 25, 1976, or the most recent revision thereto, as issued by the Federal Emergency Management Agency (FEMA).

(Ord. 7-1978, 9/11/1978; as amended by Ord. 3-1987, 3/9/1987)

§8-402. Determination of Regulatory Flood Elevation.

1. For the purposes of this Chapter, the 100-year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available, the 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.

2. In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

(Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991)

§8-403. Changes in Designation of Area.

The delineation of any of the identified flood-prone area(s) may be revised by the Borough Council of the Borough of Clarks Green where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, river basin commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(Ord. 7-1978, 9/11/1978)

Part 5**Development Regulations****§8-501. Compliance With Other Requirements; Elevation Requirements.**

1. In the identified floodplain area, the development and/or use of any land shall be permitted, provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.

2. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection. [*Ord. 3-2005*]

3. *Elevation.*

A. 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 above the 100-year flood elevation.

B. 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 100-year flood elevation or be floodproofed up to that height.

C. Any nonresidential structure or part thereof having a lowest floor (including basement) which is not elevated to at least 1½ feet above the 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 United States Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such flood-proofing 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.

4. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.

5. Enclosed areas below the lowest floor (including basement) are prohibited. (*Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991; and by Ord. 3-2005, 10/10/2005*)

§8-502. 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 Borough Building Inspector.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. 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 floodwaters.

C. *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 and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

D. *Floors, Walls and Ceilings.* Where located at or below the regulatory flood elevation:

(1) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without incurring structural damage to the building.

(2) Plywood 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.

E. *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, and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.

(2) Electrical distribution panels shall be at least 3 feet above the level of the 100-year flood elevation.

(3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

F. *Plumbing.*

(1) Water heaters, furnaces and other mechanical equipment or

apparatus shall not be located below the regulatory flood elevation.

(2) No part of any on-site sewage disposal systems shall be located within any identified flood-prone area(s).

(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 flood-waters.

(4) All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

G. *Paints and Adhesives.* When used at or below the regulatory flood elevation:

(1) Paints or other finishes shall be of a marine or water-resistant quality.

(2) Adhesives 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.

H. *Storage.* No materials that are bouyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life shall be stored below the regulatory flood elevation.

I. *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.

J. *Sanitary Sewer Facilities.* All new or replacement sanitary sewer facilities, and private package sewer 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.

K. *Water Facility.* 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.

L. *Streets.* The finished elevation of proposed new streets shall be no more than 1 foot below the regulatory flood elevation.

M. *Utilities.* All utilities such as gas lines and electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the change or impairment during a flood.

(Ord. 7-1978, 9/11/1978)

§8-503. Special Requirements for Manufactured Homes.

1. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

- A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood.
 - C. Anchored to resist flotation, collapse or lateral movement.
2. Within any identified floodway area, all manufactured homes and any addition thereto shall be prohibited.
- (Ord. 7-1978, 9/11/1978; as amended by Ord. 2-1991, 3/11/1991)

§8-504. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development 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 list of materials and substances are considered dangerous to human life: [Ord. 3-2005]

- A. Acetone.
 - B. Ammonia.
 - C. Benzene.
 - D. Calcium carbide.
 - E. Carbon disulfide.
 - F. Celluloid.
 - G. Chlorine.
 - H. Hydrochloric acid.
 - I. Hydrocyanic acid.
 - J. Magnesium.
 - K. Nitric acid and oxides of nitrogen.
 - L. Petroleum products (gasoline, fuel oil, etc.).
 - M. Phosphorus.
 - N. Potassium.
 - O. Sodium.
 - P. Sulphur and sulphur products.
 - Q. Pesticides, including insecticides, fungicides and rodenticides.
 - R. Radioactive substances, insofar as such substances are not otherwise regulated.
2. Within any identified floodplain area, any new or substantially improved structure of the kind described in subsection .1 above shall be prohibited with the area

measured 50 feet landward from the top of bank of any watercourse.

3. Where permitted within any identified floodplain, any new or substantially improved structure of the kind described in subsection .1 above shall be:

A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.

B. Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

4. 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 (United States Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(*Ord. 7-1978, 9/11/1978; as added by Ord. 3-1987, 3/9/1987; and as amended by Ord. 3-2005, 10/10/2005*)

Part 6**Special Permits****§8-601. Activities Restricted in Floodplain Area.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Borough. [*Ord. 3-2005*]

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

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

(*Ord. 7-1978, 9/11/1978; as amended by Ord. 3-1987, 3/9/1987; and by Ord. 3-2005, 10/10/2005*)

§8-602. Application Requirements.

Applicants for special permits shall provide five copies of the following items:

- A. A written request, including a completed building permit application form.
- B. A small-scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geographic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations.
 - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot

elevations concerning the 100-year flood elevations, and information concerning the flow of water, including direction and velocities.

(7) The location of all proposed buildings, structures, utilities and any other improvements.

(8) Any other information which the Borough considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.

(2) For any proposed building, the elevation of the lowest floor, including basement, and, as required, the elevation of any other floor.

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.

(4) Detailed information concerning any proposed floodproofing measures.

(5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades.

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

E. The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

(2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

(3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.

(4) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.

(5) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations

and flows.

(6) The appropriate component of the Department of Environmental Protection's planning module for land development. [*Ord. 3-2005*]

(7) 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. [*Ord. 3-2005*]

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166, 32 P.S. §679.302. [*Ord. 3-2005*]

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

(*Ord. 7-1978, 9/11/1978; as amended by Ord. 3-1987, 3/19/1987; and by Ord. 3-2005, 10/10/2005*)

§8-603. Application Review Procedures.

Upon receipt of an application for a special permit by the Borough, the following procedures shall apply, in addition to those of Part 3:

A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in which respect the application is deficient.

C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within 5 working days after the date of approval. [*Ord. 3-2005*]

E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days after receipt of the notification by the Department to review the application and decision made by the Borough. [*Ord. 3-2005*]

F. If the Borough does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant. [*Ord. 3-2005*]

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit. [*Ord. 3-2005*]

(*Ord. 7-1978, 9/11/1978; as amended by Ord. 3-1987, 3/9/1987; and by Ord. 3-2005, 10/10/2005*)

§8-604. Special Technical Requirements.

1. In addition to the requirements of Part 5 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 5 of this Chapter or in any other code, ordinance or regulation, the most restrictive provision shall apply.

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(1) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the 100-year flood elevation.

(2) The lowest floor elevation will be at least 1½ feet above the 100-year flood elevation.

(3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

3. All 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 Borough and the Department of Community and Economic Development. [Ord. 3-2005]

(Ord. 7-1978, 9/11/1978; as amended by Ord. 3-1987, 3/9/1987; and by Ord. 3-2005, 10/10/2005)

Part 7**Miscellaneous Provisions****§8-701. Existing Structures in Identified Flood-Prone Areas.**

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. 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.

B. 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.

C. 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 100-year flood.

(*Ord. 7-1978, 9/11/1978; as added by Ord. 2-1991, 3/11/1991*)

§8-702. Variances.

1. 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 Borough may, upon request, grant relief from the strict application of the requirement.

2. Request for variances shall be considered by the Borough in accordance with the following procedures:

A. If granted, a variance shall involve only the latest modification necessary to provide relief.

B. In granting any variance, the Borough may 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.

C. Whenever a variance is granted, the Borough 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.

D. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:

(1) There is good and sufficient cause.

(2) Failure to grant the variance would result in exceptional hardship to the applicant.

(3) The granting of the variance would not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or

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.

E. A complete record of all variance requests and related action shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

F. Except for a possible modification of the freeboard requirements involved, no variance will be granted for any of the other requirements pertaining specifically to §8-601, "Activities Restricted in Floodplain Area," or to §8-504, "Development Which May Endanger Human Life." [*Ord. 3-1987*]

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

3. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation. [*Ord. 2-1991*]

(*Ord. 7-1978, 9/11/1978; as added by Ord. 3-1987, 3/9/1987; and by Ord. 2-1991, 3/11/1991*)