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APOLACON TOWNSHIP

FLOODPLAIN BUILDING PERMIT ORDINANCE

ORDINANCE 17

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF APOLACON TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS of APOLACON TOWNSHIP, Susquehanna 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

- 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 Apolacon Township unless a Building Permit has been obtained from the township.
- B. A Building Permit is required for all buildings or structures defined in Ordinance #15 regardless of their location within or outside of a flood plane as defined and shown on the Federal Emergency Management Agency Flood Insurance Rate Map and Street Index for the township of Apolacon, dated July 17, 1989.

##### Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions 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 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 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 cause, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside any identified floodplain 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 Apolacon 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 Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any area of Apolacon Township.

#### Section 2.01 Issuance of Building Permit

- A. The Building Permit Officer, or designated township employee or 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.
- B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended) the Pennsylvania Clean Streams Act (Act 1937-394, as amended); 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 Apolacon Township, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by Apolacon Township prior to any alteration or relocation of any watercourse.

#### Section 2.02 Application Procedures and Requirements

- A. Application for such a building permit shall be made, in writing, to the Building permit Officer on forms supplied by Apolacon Township. Such application shall contain the following:



1. Name and address of applicant.
  2. Name and address of owner of land on which proposed construction is to occur.
  3. Name and address of contractor.
  4. Site location.
  5. Listing of other permits required.
  6. Brief description of proposed work and estimated cost.
  7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located 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; and
  - (c) adequate drainage is provided so as to reduce exposure to flood hazards.

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:

1. A completed Building Permit Application Form.
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, if available;
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres 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 accessways; 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. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.
  - b. 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 floodproofing measures which have been incorporated into the design of the structure and/or the development.
  - c. detailed information needed to determine compliance with Section 4.02 F., Storage, and Section 4.03, Development Which May endanger Human Life, including:
    - i) the amount, location and purpose of any dangerous materials or substances 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 4.03 during a one hundred (100) year flood.



- d. the appropriate component of the Department of Environmental Resources "Planning Module for Land Development."
- e. where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

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 Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer 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 to be considered for approval may be submitted by the Building Permit officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

#### Section 2.05 Changes

After the issuance of a building permit by the Building Permit officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration.

#### Section 2.06 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

#### 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 building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit officer. 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 piling 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 Building Permit Officer to approve such a request.

#### Section 2.08 Inspection and Revocation

- A. During the construction period, the Building Permit Officer 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 permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- C. In the event the Building Permit Officer 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, the Building Permit Officer shall remove the building 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 a building permit shall be accompanied by a fee based on square footage of the structures/buildings based on the following rates:

Buildings - Living quarters for permanent or temporary occupancy (above ground structures): .06 per square foot, measured on outside dimensions.

Foundations - When enclosed (not open) in support of Buildings and having a useable space in excess of five (5) feet in height; .04 per square foot, measured on outside dimensions.

Garage - Attached or detached from living quarters; .04 per square foot, measured on outside dimensions.

Structures - Anything not described above in excess of 120 square feet, measured on outside dimensions; .03 per square foot or 10.00, whichever is greater.

#### Section 2.10 Enforcement



## A. Notices

Whenever the Building Permit Officer or other authorized municipal 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 Building Permit Officer 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 State; (3) 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 Building Permit Officer or any other authorized designate of the township shall be guilty of an offense and, upon conviction, shall pay a fine to Apolacon Township of not less than One Hundred Fifty Dollars ( 150.00) nor more than Three Hundred Dollars ( 300.00) plus costs of prosecution. In default of such payment, such person(s) shall be imprisoned in county prison for a period not to exceed ten(10) days. Each day after notification of a violation that a violation of this ordinance continues shall constitute a separate offense. The date and description of the violation will be notated on Apolacon Townships' 'Notice of Violation', a copy of which will be sent by Registered Mail or delivered in person to the person/persons who are identified as being in violation of this ordinance.

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 non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliance within a time set forth by the Board of Supervisors.

Any structure or building constructed, re-constructed, enlarged, altered, or relocated, in non-compliance with this ordinance may be declared by the Apolacon Township Board of Supervisors to be a public nuisance and abatable as such.

## Section 2.11 Appeals

- A. Any person aggrieved by an 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 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 the 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 Apolacon Township, which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for Apolacon Township by the Federal Emergency Management Agency (FEMA), date July 17, 1989.

#### Section 3.01 Description of Floodplain Areas/Districts

The identified floodplain area shall consist of the following specific area/district:

- A. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.

#### 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 Board of Supervisors, Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be upon the appellant.

### ARTICLE IV GENERAL TECHNICAL REQUIREMENTS

#### Section 4.00 General

- A. 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 municipality.

- B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
- C. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- D. Within any identified floodplain area, no new construction or development shall be located within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.
- E. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one half (1 1/2) feet or more above the one hundred (100) year flood elevation.
- F. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one half (1 1/2) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1 1/2) 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 U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

- G. Enclosed areas below the lowest floor (including basement) are prohibited.

#### Section 4.01 Special Requirement for the AE Area/District

Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one (100) year flood more than one (1) foot at any point.

#### Section 4.02 Design and Construction Standards

- 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.

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 proper drainage along streets, and provide positive drainage away from building. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or 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 system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

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 4.03, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed 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 structure 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 or 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 finished with a "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 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 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.

Section 4.03 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 Affairs as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 50 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;

are not authorized or permitted by this ordinance. 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.

#### Section 4.04 Special Requirements for Manufactured Homes

- A. Where existing within any identified floodplain area, all manufactured homes and additions thereto shall be:
1. placed on a permanent foundation that extends the full length and width of the manufactured home. If a slab is used as a foundation it must be a minimum of six (6) inches thick. If frost wall construction is used as a foundation, it must extend a minimum of three (3) feet below the surface of the surrounding ground. If a basement is used as a foundation, it must meet all other requirements for flood proofing and height above flood levels contained in this ordinance.
  2. elevated so that the lowest floor, including the basement, of the manufactured home is one and onehalf (1 1/2) feet or more above the elevation of the one hundred year flood.
  3. anchored to resist flotation, collapse, or lateral movement at points not to exceed every twenty (20) feet around the full perimeter of the entire structure, and securely anchored to the permanent foundation.
  4. Any site, lot or parcel of land that is intended for use by a manufactured home that does not meet the provisions of this ordinance will be required to meet the provisions of this ordinance before any replacement of an existing manufactured home is accomplished. See also section 6.01.

#### ARTICLE V PROHIBITED ACTIVITIES

##### Section 5.00 General

The following activities shall be prohibited within any identified floodplain area:

1. hospitals
2. nursing homes
3. jails or prisons
4. manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision
5. junk car dealership or the accumulation of Junk Vehicle(s), or parts therefore for any purpose.

#### ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS



## 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, or change, is made to any existing structure, the provisions of Section 6.01 shall apply.

## Section 6.01 Improvements/Changes

The following provisions shall apply whenever any improvement or substantial change 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. No expansion or enlargement of an existing structure shall be allowed within any AE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one(1) foot at any point.
- C. Any modification, alteration, reconstruction, improvement, or replacement of any kind to an existing structure, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this ordinance.

## ARTICLE VII VARIANCES

### Section 7.00 General

No variances to the provisions of this ordinance are allowed.

## 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 reasonable application.

### Section 8.01 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 manufactured 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 manufactured 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 manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- E. Flood - a temporary inundation of normally dry land areas.
- F. 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.
- G. 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.
- H. 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 (100) year magnitude.
- I. 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 includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- J. 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.
- K. 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 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, electrical wiring or mechanical or other work affecting public health or general safety.
- L. 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).



- M. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet.
- N. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.
- O. 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, or 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 ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.
- P. Substantial Improvement - any repair, reconstruction, improvement or replacement of a structure will constitute a substantial improvement.

ENACTED AND ORDAINED this 10th day of October, 1989 A.D.  
AMENDED 12th day of December, 1989 A.D.  
AMENDED 14th day of February, 1990 A.D.  
AMENDED 14th day of August, 1991 A.D.  
AMENDED 9th day of October, 1991 A.D.  
AMENDED 4TH day of January, 1993 A.D.

ATTEST:

Barbara Anne Schriest  
Secretary/Treasurer

James C. Morrissey  
Supervisor

Steve D. P.  
Supervisor

Don Hamenby  
Supervisor