

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT OR EXEMPTION CERTIFICATE 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 THE TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by Dimock 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 Statement of Intent

The intent of this Ordinance is to:

- A. promote the general health, welfare, and safety of the community;
- B. reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing development in areas subject to flooding;
- C. comply with federal and state floodplain management requirements.

##### Section 1.01 Applicability

- A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless an approved building permit or exemption certificate has been obtained from the Building Official.
- B. A permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

##### Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other provisions currently in effect in floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

### Section 1.03 - Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance which shall remain in full force and effect.

### Section 1.04 - Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damage.

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

## ARTICLE II ADMINISTRATIVE PROVISIONS

### Section 2.00 - General

For the purposes of this Ordinance, a building permit shall be required for any construction or development in the floodplain. Outside of any floodplain area an applicant for a building permit can be issued an exemption certificate.

### Section 2.01 - Application Procedure

- A. Application for a building permit or exemption certificate shall be made in writing to the Building Permit Officer on forms supplied by the municipality. Such application shall contain at least 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. Brief description of proposed work and estimated cost.
  6. 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 an identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the 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 Permit Officer to make the above determination:

- 1. A completed Building Permit Application Form as required by Section A. above.
- 2. The elevation of the proposed lowest floor including basement of any proposed building based upon National Geodetic Vertical Datum of 1929;
- 3. The elevation of the one-hundred (100) year flood;
- 4. Detailed information concerning any proposed floodproofing measures.
- 5. 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 one-hundred (100) year flood elevations, 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.

#### Section 2.02 - Issuance of Building Permit or Exemption Certificate

- A. The Building Permit Officer shall promptly issue an Exemption Certificate when it has been determined that the proposed construction is not within the flood hazard area. In areas outside the flood hazard area no regulations shall apply and no inspection shall be required.



- B. The Building Permit Officer shall issue a building permit promptly, after determining that the proposed work will be in conformance with the requirements of this and all other applicable codes and ordinances.
- C. Prior to the issuance of any building permit the Building Permit Officer shall review the application 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, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the 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 the Township prior to any alteration or relocation of any watercourse.

#### Section 2.03 - 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 Permit Officer.

#### Section 2.04 - Placards

The building permit or exemption certificate shall be displayed on the premises while construction is in progress.

#### Section 2.05 - Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or exemption certificate or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footing or any work beyond the state of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service



lines from the street.

#### Section 2.06 - Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances, or that there has not been a false statement or misrepresentation by any applicant. If there has been a violation, then the Building Permit Officer shall revoke the building permit and report such fact to the Supervisors for whatever action they think necessary.

#### Section 2.07 - Fees

- A. Applications for a building permit shall be accompanied by a fee, payable to the Township based on the estimated cost of the proposed construction as determined by the Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$1,000	\$5.00
Each additional \$1,000 or part thereof beyond the first \$1,000	\$1.00

- B. Application for an exemption certificate shall be accompanied by a fee payable to the municipality in the amount of one dollar and fifty cents (\$1.50).

#### Section 2.08 - Enforcement

##### A. Notices

Whenever there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, the Building Permit Officer shall give notice, in writing, including a statement of the reasons for its issuance, allowing a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires, and, containing 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 with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00)

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. The imposition of a fine or penalty for any violation of, or noncompliance 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 such violations and non-compliance within a reasonable time.

#### Section 2.09 - 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. 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 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.

### ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

#### Section 3.00 - Identification

For the purposes of this Ordinance, the identified floodplain area shall be those areas of the Township which have been identified as being subject to flooding by a one hundred (100) year flood. These areas are shown on the Flood Hazard Boundary Map (FHBM), as issued by the Federal Emergency Management Agency, dated Jan. 17, 1975 or the most recent revision thereto.

#### Section 3.01 - Determination of the 100 Year Flood Elevation

For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one hundred (100) year flood elevation, the elevation at a given point on the boundary of the identified floodplain 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:

1. Corps of Engineers - Flood Plain Information Reports
2. U.S. Geological Survey - Flood-Prone Quadrangles
3. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information
4. Pennsylvania Department of Environmental Resources - Flood Control Investigations



5. Known Highwater Marks from Past Floods
6. Other sources

#### 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 or modification. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

#### Section 3.03 - Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, any party aggrieved by such determination may appeal to the Board. The burden of proof shall be on the appellant.

### ARTICLE IV GENERAL TECHNICAL REQUIREMENTS

#### Section 4.00 - General

- A. 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 ( $1\frac{1}{2}$ ) feet or more above the one-hundred (100) year flood elevation.
- B. 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 ( $1\frac{1}{2}$ ) feet or more above the one-hundred (100) year flood elevation or be flood-proofed up to that height.

Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this article. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

#### Section 4.01 - Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

##### A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Official; 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 buildings. 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. 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.

F. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.



2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

#### Section 4.02 - 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 or other appropriate standards such as 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 length.
    - b. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for 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.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

#### ARTICLE V PROHIBITED ACTIVITIES

##### Section 5.00 - General

The following activities shall be prohibited entirely if located partially or wholly within any identified floodplain area:

1. hospitals (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 existing mobile home parks.

5. 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 which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:

- 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.

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

##### Section 6.00 - General

Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue to remain, provided that any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

#### ARTICLE VII VARIANCES

##### Section 7.00 - General

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

##### Section 7.01 - Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.09 and the following:



1. No variance shall be granted for the activities prohibited in Article V.
2. If granted, a variance shall involve only the least modification necessary to provide relief.
3. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
4. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - a. the granting of the variance may result in 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 Township 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.
  - 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.

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

#### ARTICLE VIII DEFINITIONS

##### Section 8.00 - General

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

- A. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- B. 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.
- C. 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.
- D. 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 nontransient use.
- E. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
- F. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.
- G. 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. The division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.



ARTICLE IX      ENACTMENT

This Ordinance shall become effective on March 12  
, 1984, and shall remain in force until  
modified, amended, or rescinded by Dimock Township, Susquehanna County,  
Pennsylvania.

Adopted by the Supervisors this \_\_\_\_\_ day of \_\_\_\_\_,  
198 .

Signed: \_\_\_\_\_

Attest: