

Floodplain Management Ordinance



Ordinance 2015-7

York Township
190 Oak Road
Dallastown, PA 17313

**YORK TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015- 7

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF YORK TOWNSHIP, YORK COUNTY, PENNSYLVANIA BY RESTATING CHAPTER 137 ENTITLED "FLOODPLAIN MANAGEMENT" REGULATING CONSTRUCTION, DEVELOPMENT, USES AND ACTIVITIES WITHIN DEFINED FLOODPLAIN AREAS, REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT WITHIN A DEFINED FLOODPLAIN; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF YORK 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.

WHEREAS, the Pennsylvania Flood Plain Management Act (Act 166-1978), as amended, sets forth certain minimum requirements for the regulation of construction and Development within and management of Floodplains throughout the Commonwealth of Pennsylvania; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has completed a re-evaluation of Flood hazards within York County, Pennsylvania; and

WHEREAS, such re-evaluation of Flood hazards within York County has resulted in revisions to the Flood Insurance Rate Map (FIRM) for York Township and surrounding communities; and

WHEREAS, a Letter of Final Determination finalizing the FIRM for York Township and for York County was issued on June 16, 2015 and the FIRM will become effective December 16, 2015; and

WHEREAS, in order to be eligible for the National Flood Insurance Program (NFIP), York Township must adopt Floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations as set forth in Title 44, Chapter I, Part 67 of the Code of Federal Regulations; and

WHEREAS, the Board of Commissioners of York Township, York County, Pennsylvania have determined it to be in the best interests of the health, safety and welfare for the residents of York Township for the community to be eligible for NFIP and to otherwise be in compliance with the above-named statutes and regulations.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of York Township, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt Floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of York Township, York County, hereby amends Chapter 137 of the Code of Ordinances of York Township, York County, Pennsylvania to read as follows:

CHAPTER 137 FLOODPLAIN MANAGEMENT

ARTICLE I -GENERAL PROVISIONS

§137-1. Short Title.

This Ordinance shall be known and cited to as the “York Township Floodplain Management Ordinance.”

§137-2. Intent.

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community, by
 1. regulating uses, activities, construction and Development which, acting alone or in combination with other existing or future uses, activities, Development or construction, will cause unacceptable increases in Flood heights, velocities or frequencies; and
 2. restricting or prohibiting certain uses, activities, construction or Development from locating within areas subject to Flooding; and

3. requiring all uses, activities, construction and Development that do occur within Flood-prone areas to be protected and/or floodproofed against Flooding and Flood damage.
- 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.

§137-3. Applicability

- A. The provisions of this Ordinance shall apply to all lands within the Township that are located within any Floodplain Area defined herein.
- B. It shall be unlawful for any Person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or Development anywhere within defined Floodplain Areas within the Township unless a permit has been obtained from the Township.
- C. A permit shall not be required for Minor Repairs to existing Buildings or Structures unless otherwise required by the Code of Ordinances of York Township.

§137-4. Code References.

For purposes of this Ordinance, any reference to specific provisions of earlier versions of the International Residential Code (IRC) and the International Building Code (IBC) or other applicable standards, shall be read to require compliance with the updated sections of the most current version of the IRC, IBC and American Society of Civil Engineers (ASCE) as such versions become effective pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999.

§137-5. Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions 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 are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

§137-6. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be

declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

§137-7. 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 and Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any Identified Floodplain Areas or that land uses permitted within such areas will be free from Flooding or Flood damages.

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

ARTICLE II - DEFINITIONS

§137-8. 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.

§137-9. Specific Definitions

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.

Base Flood - A Flood which has a one-percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year Flood" or one-percent (1%) annual chance Flood).

Base Flood Discharge - The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a Flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

Basement - Means any area of the Building having its floor subgrade (below ground level) on all sides.

BCO – A Building Code Official of York Township, York County, Pennsylvania.

Board – The Board of Commissioners of York Township, York County, Pennsylvania.

Building - A combination of materials to form a permanent Structure having walls and a roof, which shall include all Manufactured Homes to be used for human habitation.

DCED - The Pennsylvania Department of Economic Development or its successor agency.

DEP – The Pennsylvania Department of Environmental Protection or its successor agency.

Development - Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of Buildings or other Structures; the placement of Manufactured Homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the Subdivision of land.

Existing Manufactured Home Park or Subdivision – A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA – The Federal Emergency Management Agency or its successor agency.

Flood - A temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special Flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report provided by the Federal Emergency Management Agency that includes Flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the Base Flood.

Floodplain Administrator – The person designated to administer and enforce the York Township Floodplain Management Ordinance

Floodplain Area(Floodplain) - 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(Flood-proofing) - Means any combination of structural and nonstructural additions, changes, or adjustments to Structures which reduces or eliminates Flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure.

Historic Structure - Any structure that is:

- A. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior; or
 2. directly by the Secretary of the Interior in states without approved programs.

Identified Floodplain Area - This term is an umbrella term that includes all of the areas within which the community has selected to enforce Floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 137-22 and 137-23 for the specifics on what areas the community has included in the Identified Floodplain Area.

Lowest Floor - The Lowest Floor of the lowest fully enclosed area (including Basement). An unfinished, Flood resistant partially enclosed area, used solely for parking of vehicles, Building access, and incidental storage, in an area other than a Basement area is not considered the Lowest Floor of a Building, provided that such space is not designed and built so that the Structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home - A Structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. For purposes of this Ordinance, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more Manufactured Home lots for rent or sale.

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 exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New Construction - Structures for which the Start of Construction commenced on or after December 16, 2015 and includes any subsequent improvements to such Structures. Any construction started after May 17, 1989 and before December 16, 2015 is subject to the ordinance in effect at the time the permit was issued, provided the Start of Construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision – A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain management regulations adopted by a community.

Person - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Post-FIRM Structure - A Structure for which construction or Substantial Improvement occurred on or after May 17, 1989 and as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

Pre-FIRM Structure - A Structure for which construction or Substantial Improvement occurred before May 17, 1989 and as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

Recreational Vehicle - A vehicle which is:

A. built on a single chassis; and

- B. not more than 400 square feet, measured at the largest horizontal projections; and
- C. designed to be self-propelled or permanently towable by a light-duty truck; and
- D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation - The Base Flood Elevation (BFE) or estimated Flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

Special Flood Hazard Area (SFHA) - An area in the Floodplain subject to a one-percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1 A30, AE, A99, or, AH. Zone AE may be shown with or without floodways.

Start of Construction - Includes Substantial Improvement and other proposed new Development and the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a Basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

Structure - Anything constructed or erected on the ground or attached to the ground including, but not limited to Buildings, sheds, Manufactured Homes, including a gas or liquid storage tank and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or Building or lot Development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantial Damage - Damage from any cause sustained by a Structure whereby the cost of restoring the Structure to its before-damaged condition would equal or exceed fifty-percent (50%) or more of the market value of the Structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds fifty-percent (50%) of the market value of the Structure before the "Start of Construction" of the improvement. This term includes Structures which have incurred "Substantial Damage regardless of the actual repair work performed." The term does not, however include either:

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

Township – York Township, York County, Pennsylvania.

Township Fee Schedule Resolution - A resolution that provides periodic updates to fees charged by the Township.

Uniform Construction Code (UCC) – The statewide Building code adopted by the Pennsylvania General Assembly in 1999, applicable to New Construction in all municipalities, as adopted by York Township, whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial Buildings. The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, including, but not limited to references therein to the American Society of Civil Engineers (ASCE) and any other standard set forth therein, as the construction standard applicable within the Commonwealth for Floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. For purposes of this Ordinance, any reference to specific provisions of earlier versions of the IRC, the IBC or other applicable standards, shall be read to require compliance with the updated sections of the most current version of the IRC, IBC and ASCE as such versions become effective pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999.

Variance - The grant of relief by the Township from the terms of a Floodplain management regulation.

Violation - Means the failure of a Structure or other Development to be fully compliant with the Township's Floodplain management regulations. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Zoning Officer: The person designated to administer and enforce the zoning ordinance of York Township, York County, Pennsylvania.

ARTICLE III - ADMINISTRATION

§137-10. Designation of the Floodplain Administrator

The York Township Board of Commissioners shall appoint, from time to time, by resolution the Floodplain Administrator to administer and enforce this ordinance. The Floodplain Administrator is responsible to:

- A. fulfill the duties and responsibilities set forth in these regulations; and
- B. delegate duties and responsibilities set forth in these regulations to qualified technical personnel, BCO, Zoning Officer, plan examiners, inspectors, and other employees; or
- C. enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- D. For submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- E. The commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified as the Floodplain administrator.

In the absence of a designated Floodplain Administrator, the administration and enforcement of this ordinance are to be fulfilled by the Zoning Officer.

§137-11. Permits Required

Permits shall be required before any construction or Development is undertaken within any Identified Floodplain Area of the Township. The type of permits required shall be determined by the Township based on the proposed construction or Development.

§137-12. Issuance of Permit

- A. The Township shall issue a 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 permit, a document, certified by a Pennsylvania registered

professional engineer or architect, which identifies any other necessary government permits required by State and Federal laws and whether the same have been obtained, shall be submitted by the applicant to the Township for review and approval. Examples of State and Federal laws shall include those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C.. No permit shall be issued until such certification, along with copies of additional required permits, have been provided to and accepted by the Township.

- C. No permit shall be issued for New Construction or Development within any Floodway area or the area measured fifty (50') feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the DEP Regional Office.

§137-13. Application Procedures and Requirements

- A. Application for such a permit shall be made, in writing, to the Township on forms supplied by the 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 including address.
 5. Listing of other permits required.
 6. Brief description of proposed work and estimated cost, including a breakout of the Flood-related cost and the market value of the Building before the Flood damage occurred.
 7. A plan of the site as required in Section C below.
 8. Any other information required of an applicant for a permit for construction outside of an Identified Floodplain Area.
- B. If any proposed construction or Development is located entirely or partially within any Identified Floodplain Area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Township to determine that:
1. all such proposals are consistent with the need to minimize Flood damage and conform with the requirements of this and all other applicable codes and ordinances; and
 2. all utilities and facilities, such as sewer, gas, electrical and water systems are

located and constructed to minimize or eliminate Flood damage; and

3. adequate drainage is provided so as to reduce exposure to Flood hazards; and
4. structures will be anchored to prevent flotation, collapse, or lateral movement; and
5. building materials are Flood-resistant; and
6. appropriate practices that minimize Flood damage have been used; and
7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Township to make the above determination:

1. a completed 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; and
 - b. topographic contour lines, if available; and
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet; and
 - 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; and
 - e. the location of all existing streets, drives, and other access ways; and
 - f. the location of any existing bodies of water or watercourses, Identified Floodplain Areas, and, if available, information pertaining to the Floodway, and the flow of water including direction and velocities.
3. Plans of all proposed Buildings, Structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed Lowest Floor elevation of any proposed Building based upon North American Vertical Datum of 1988; and

- b. the elevation of the Base Flood; and
 - c. if available, information concerning Flood depths, pressures, velocities, impact and uplift forces and other factors associated with a Base Flood; and Floodway Area (See Section 137-22.A) when combined with all other existing and anticipated Development, will not increase the Base Flood Elevation at any point, and
 - d. detailed information concerning any proposed Floodproofing measures; and corresponding elevations, and
 - e. supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and the 2009 IBC or the 2009 IRC.
4. The following data and documentation:
- a. a document, certified by a Pennsylvania 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 a Base 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; and
 - b. detailed information needed to determine compliance with Section 137-29.F., Storage, and Section 137-30, Development Which May Endanger Human Life, including:
 - i) the amount, location and purpose of any materials or substances referred to in Sections 137-29 F. and 137-30 which are intended to be used, produced, stored or otherwise maintained on site; and
 - 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 137-30 during a Base Flood.
 - c. the appropriate component of DEP's "Planning Module for Land Development."; and
 - d. where any excavation or grading is proposed, a plan meeting the requirements of the DEP, to implement and maintain erosion and sedimentation control; and
 - e. Documentation, certified by a Pennsylvania registered professional

engineer or architect, to show that the cumulative effect of any proposed Development within any Identified Floodplain Area (See Section 137-23) when combined with all other existing and anticipated Development, will not cause any increase in the Base Flood Elevation.

§137-14. 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 Township to any other appropriate agencies and/or individuals (e.g. Zoning Officer, BCO, Township Staff, Planning Commission, Township Engineer, York County Conservation District, etc.) for review and comment.

§137-15. Changes

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

§137-16. Display of Permit

The Township shall issue a permit which shall be displayed on the premises during the time construction is in progress. This permit shall show, at a minimum, the number of the permit, the date of its issuance and be signed by the appropriate Township Official(s).

§137-17. 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 permit or the permit shall expire unless a time extension is granted, in writing, by the Township. Construction and/or Development shall be considered to have started with the preparation of land, 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 Township to approve such a request.

§137-18. Inspection and Revocation

- A. During the construction period, the Township 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. The Township may make as many inspections during and upon completion of the work as are necessary.

- B. In the discharge of its duties, the Township or other authorized official shall have the authority to enter any Building, Structure, premises or Development in the Identified Floodplain Area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- C. In the event the Township or other authorized official discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Township or other authorized official shall revoke the permit and take whatever action it considers necessary.
- D. The Township shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- E. The requirements of the 34 PA Code Chapter 401-405 and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§137-19. Fees

Applications for a permit, variance or an appeal shall be accompanied by a fee or fees, payable to the Township, the fee or fees are established by a Township Fee Schedule Resolution.

§137-20. Enforcement

A. Notices

Whenever the Township or other authorized official 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 regulations adopted pursuant thereto, the Township or other authorized official shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing; and
2. include a statement of the reasons for its issuance; and
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; and
4. 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; and

5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

1. 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 of direction of the Township or any other authorized official shall be subject to a civil proceeding before the District Magistrate and, upon a finding of a violation, shall pay a fine to the Township of not less than One Thousand Dollars (\$1,000.00) 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. Each day during which any violation of this Ordinance continues shall constitute a separate offense.
2. 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 noncompliance with this Ordinance shall not excuse the violation or noncompliance, or permit it to continue and all such Persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any Development initiated or any Structure or Building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the York Township Board of Commissioners to be a public nuisance and abatable as such.

§137-21. Appeals

- A. Any Person aggrieved by any action or decision of the Township or any other authorized official concerning the administration of the provisions of this Ordinance as the same relate to the issuance or denial of a permit, may appeal such decision to the Board of Appeals for appeals under the Uniform Construction Code(UCC) or the York Township Board of Commissioners for appeals not related to UCC provisions of this Ordinance. Any Person aggrieved by any action or decision of the Township or any other authorized official concerning any other aspect of the administration of the provisions of this Ordinance (exclusive of issuance or denial of a permit) may appeal to the York Township Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Township or any other authorized official.
- B. Upon receipt of such appeal, the Board of Appeals or York Township Board of Commissioners, as the case may be, shall set a time and place, within sixty (60) days of receipt, 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 Appeals or York Township Board of Commissioners, may seek relief therefrom by appeal to Court of Common Pleas, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act, 32 P.S. §679.101 et seq.

ARTICLE IV - IDENTIFICATION OF FLOODPLAIN AREAS

§137-22. Identification

The Identified Floodplain Area shall be:

- A. any areas of Township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated **December 16, 2015** and issued by the FEMA or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and
- B. any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be a part of this Ordinance.

§137-23. Description of Floodplain Areas

The Identified Floodplain Area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as Floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include Floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS and FIRM.

Within any Floodway area, no encroachments, including fill, New Construction, Substantial Improvements, or other Development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in Flood levels within the Township during the occurrence of the Base Flood Discharge.

- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided.
1. The AE Area adjacent to the Floodway shall be those areas identified as an AE

Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided and a Floodway has been delineated.

2. The AE Area without Floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided but no Floodway has been determined.
 - a. No permit shall be granted for any construction, Development, use, or activity, within any AE Area/District without Floodway, unless a Floodway is identified with hydrologic and hydraulic engineering techniques. A hydrologic and hydraulic analyses shall be undertaken only by a Pennsylvania registered professional engineer, who shall certify that the technical methods used correctly reflect currently accepted technical concepts and that the proposed encroachment would not result in any increase in Flood levels within the Township during the occurrence of the Base Flood Discharge. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
 - b. No New Construction or Development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the DEP Regional Office.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no Base Flood Elevations have been provided. For these areas, elevation and Floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the Base Flood Elevation shall be determined by using the elevation of a point on the boundary of the Identified Floodplain Area which is nearest the construction site.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by a Pennsylvania registered professional engineer, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township or any other authorized official.

§137-24. Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board where studies or information provided by a qualified agency or Person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained

from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the applicant shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data and the Township shall be copied on all correspondence to FEMA. See 137-27.B for situations where FEMA notification is required.

§137-25. Boundary Disputes

Should a dispute concerning any identified Floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator. Any party aggrieved by this decision or determination may appeal to the Board. The burden of proof shall be on the appellant.

§137-26. Jurisdictional Boundary Changes

Prior to Development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Township shall review Flood hazard data affecting the lands subject to boundary changes. The Township shall adopt and enforce Floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE V - TECHNICAL PROVISIONS

§137-27. General

- A. Alteration or Relocation of Watercourse
1. 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 Person or entity proposing such encroachment, alteration or improvement, and until all required permits or approvals have been first obtained from the DEP Regional Office.
 2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the Flood carrying capacity of the watercourse in any way.
 3. In addition, FEMA and DCED shall be notified by such Person or entity proposing such encroachment, alteration or improvement prior to any such action to any watercourse.
- B. When the Township proposes to permit the following encroachments:
1. any Development that causes a rise in the Base Flood Elevations within the Floodway; or

2. alteration or relocation of a stream (including but not limited to installing culverts and bridges).

The applicant shall (as per 44 CFR Part 65.12):

1. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur; and
 2. Upon receipt of the FEMA's conditional approval of map change and prior to approving the proposed encroachments, the Township shall provide evidence to FEMA of the adoption of Floodplain management ordinances incorporating the increased Base Flood Elevations and or revised Floodway reflecting the post-project condition; and
 3. Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. Any New Construction, Development, uses or activities allowed within any Identified Floodplain Area, shall be undertaken only in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

§137-28. Elevation and Floodproofing Requirements

A. Residential Structures

Within any Identified Floodplain Area, any New Construction or Substantial Improvement of a residential Structure shall have the Lowest Floor (including Basement) elevated up to, or above, the Regulatory Flood Elevation.

The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. Within any Identified Floodplain Area, any New Construction or Substantial Improvement of a non-residential Structure shall have the Lowest Floor (including Basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - a. is floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water; and

- b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any New Construction or Substantial Improvement shall have the Lowest Floor (including Basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 137-22.C of this ordinance.
3. Any non-residential Structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such Floodproofing shall be accompanied by a statement certified by a Pennsylvania registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the Lowest Floor.

1. Fully enclosed space below the Lowest Floor (excluding Basement) which will be used solely for the parking of a vehicle, Building access, or incidental storage in an area other than a Basement, shall be designed and constructed to allow for the automatic entry and exit of Flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

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

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space; and
- b. the bottom of all openings shall be no higher than one (1) foot above grade; and
- c. openings may be equipped with screens, louvers, etc. or other coverings devices provided that they permit the automatic entry and exit of floodwaters.

2. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

D. Accessory Structures

1. Accessory Structures not exceeding 200 square feet and accessory to a principal Building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - a. the Structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity; and
 - b. the Structure will have a low damage potential; and
 - c. the Structure will be located on the site so as to cause the least obstruction to the flow of Flood waters; and
 - d. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation; and
 - e. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited; and
 - f. sanitary facilities are prohibited.
 - g. The Structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a Pennsylvania registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - i. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space; and
 - ii. the bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of Flood waters.

2. Accessory Structures exceeding 200 square feet and accessory to a principal Building must meet the same requirements of the principal Building above(Residential Structures or Non-residential Structures, as appropriate).

E. Historic Structures

Historic Structures undergoing repair or rehabilitation that would constitute a Substantial Improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the Structure's continued designation as a Historic Structure. Documentation that a specific ordinance requirement will cause removal of the Structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the Structure.

§137-29. 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; and
2. consist of soil or small rock materials only; sanitary landfills shall not be permitted; and
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling; and
4. be no steeper than one (1) vertical foot to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township; and
5. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2009 IBC or the latest edition adopted by 34 PA Code (Chapters 401-405, as amended, York Township Subdivision and Land Development ordinance or as amended and the York Township Zoning Ordinance or as amended shall be utilized.

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 and Structures. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2009 IBC or the latest edition adopted by 34 PA Code (Chapters 401-405), and the York Township Stormwater Management Ordinance, as amended shall be utilized.

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.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) or the latest edition adopted by 34 PA Code (Chapters 401-405) and in the 2009 International Residential Code (IRC) or the latest edition adopted by 34 PA Code (Chapters 401-405) and FEMA #348, "Protecting Building Utilities from Flood Damages" as amended and "The International Private Sewage Disposal Code" as amended shall be utilized..

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 at least one (1) foot above 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 137-30, 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 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.
3. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest editions adopted by 34 PA Code (Chapters 401-405) shall be utilized.

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.
5. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2009 IBC and in the 2009 IRC or the most recent revisions adopted by 34 PA Code (Chapters 401-405) shall be utilized.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
4. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2009 IBC and the 2009 IRC or the most recent revisions adopted by 34 PA Code (Chapters 401-405) shall be utilized.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the Base Flood Elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
3. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2009 IBC, the 2006 IRC, the 2009 International Fuel and Gas Codes adopted by 34 PA Code (Chapters 401-405) shall be utilized.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2009 IBC, the 2009 IRC, the 2009 International Fuel and Gas Codes adopted by 34 PA Code (Chapters 401-405) shall be utilized.

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.

N. Uniform Construction Code Coordination

The standards and specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions, shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition adopted by 34 PA Code (Chapters 401-405)

International Residential Building Code (IRC) 2009 or the latest edition adopted by 34 PA Code (Chapters 401-405)

International Fuel Gas Code (IFGC) 2009 or the latest edition adopted by 34 PA Code (Chapters 401-405)

§137-30. Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the DCED as required by the Act, any new or substantially improved Structure, the primary use of which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
3. will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide

6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Pesticides (including insecticides, fungicides, and rodenticides)
13. Petroleum products (gasoline, fuel oil, etc.)
14. Phosphorus
15. Potassium
16. Radioactive substances, insofar as such substances are not otherwise regulated.
17. Sodium
18. Sulphur and sulphur products
19. Any other materials or substances deemed hazardous by the Township, state or appropriate federal agency.

- B. Within any Floodway Area, any Structure of the kind described in Subsection A., above, shall be prohibited.
- C. Within any Floodplain Area, any new or substantially improved Structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential Structure of the kind described in Section 137-30.A above, shall be built in accordance with Sections 137-27, 137-28 and 137-29 including:
1. elevated or designed and constructed to remain completely dry up to at least Regulatory Flood Elevation; and
 2. designed to prevent pollution from the Structure or activity during the course of a Base Flood; and
 3. Any such Structure, or part thereof, that will be built below the BFE shall be designed and constructed in accordance with the standards for completely dry Floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard. All plans and specifications for such Floodproofing shall be accompanied by a statement certified by a Pennsylvania registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

§137-31. Special Requirements for Subdivisions and Development

All Subdivision proposals and Development proposals containing at least 50 lots or at least 5

acres, whichever is the lesser in Identified Floodplain Areas where Base Flood Elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine Base Flood Elevations and Floodway information. The analyses shall be prepared by a licensed Pennsylvania registered professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§137-32. Special Requirements for Manufactured Homes

Within any Identified Floodplain Area Manufactured Homes shall be prohibited. If a variance is obtained from the Board in accordance with the criteria in Article VIII, then the following provisions apply:

- A. Placed on a permanent foundation.
- B. Elevated so that the Lowest Floor of the Manufactured Home is one and one half (1 ½) feet or more above Base Flood.
- C. Anchored to resist flotation, collapse, or lateral movement.
- D. Have all ductwork and utilities including HVAC/heat pump elevated to one and one half (1 ½) feet or more above Base Flood Elevation.
- E. Installation of Manufactured Homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 IRC or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- F. Consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC or the most recent revisions thereto and 34 PA Code Chapters 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.
- G. An evacuation plan for all Manufactured Home parks construction within any Floodplain Area, indicating alternate vehicular access and escape routes, shall be filed with the appropriate Township officials prior to construction or Development.

§137-33. Special Requirements for Recreational Vehicles

Within any Identified Floodplain Area Recreational Vehicles shall be prohibited. If a variance is obtained from the Board in accordance with the criteria in Article VIII, then the following provisions apply:

Recreational Vehicles must either:

- A. Be on the site for fewer than 180 consecutive days; and
- B. be fully licensed and ready for highway use; or
- C. meet the permit requirements for Manufactured Homes in Section 137-32.

ARTICLE VI – PROHIBITED USES

§137-34. General

The following activities shall be prohibited if located entirely or partially within any Identified Floodplain Area:

- 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 Manufactured Home park or Manufactured Home subdivision, or Substantial Improvement to an Existing Manufactured Home Park or Subdivision.

ARTICLE VII - EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§137-35. Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing Structures. However, when an improvement is made to any existing Structure, the provisions of Section 137-36 shall apply.

§137.36. Improvements

The following provisions shall apply whenever any improvement is made to an existing Structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing Structure shall be allowed within any Floodway Area/District that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in Section 137-23.C.
- B. No expansion or enlargement of an existing Structure shall be allowed within an AE Area/District without Floodway that would cause any increase in the BFE.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing Structure, to an extent or amount of fifty-percent (50%) 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.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing Structure, to an extent or amount of less than fifty-percent (50%) of its market value, shall be elevated and/or Floodproofed to the greatest extent possible.
- E. Within any Floodway Area/District (See Section 137-23.A), no New Construction or Development shall be allowed, unless the appropriate permit is obtained from the DEP Regional Office.
- F. Within any AE Area/District without Floodway (See Section 137-23.B), no New Construction or Development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the DEP Regional Office.
- G. The requirements of 34 PA Code Chapter 401-405, as amended and the 2009 IBC or the latest revision adopted by 34 PA Code (Chapters 401-405) and the 2009 IRC or the latest revision adopted by 34 PA Code (Chapters 401-405) shall also be utilized in conjunction with the provisions of this section.

ARTICLE VIII - VARIANCES

§137.37. 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 Board may, upon request, grant relief from the strict application of the requirements.

§137-38. Variance Procedures and Conditions

Requests for variances shall be considered by the Board in accordance with the procedures contained in Section 137-21 and the following:

- A. Application for a variance shall be submitted on a form provided by the Township with fees as set forth on the Township Fee Schedule Resolution.
- B. No variance shall be granted for any construction, Development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, Development, use, or activity within any AE Area/District without Floodway that would cause any increase in the BFE.
- C. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 137-30).
- D. No variance shall be granted to permit those activities otherwise prohibited by Article VI.
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the Board 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.
- G. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for Flood insurance; and
 - 2. such variances may increase the risks to life and property.
- H. In reviewing any request for a variance, the Board shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause; and
 - 2. that failure to grant the variance would result in exceptional hardship to the applicant; and.
 - 3. that the granting of the variance will:
 - a. neither result in an unacceptable or prohibited increase in Flood heights, additional threats to public safety, or extraordinary public expense;
 - b. nor create nuisances, or hazards, cause fraud on, or victimize the public, or

conflict with any other applicable state or local ordinances and regulations.

- I. 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 FEMA.
- J. Notwithstanding any of the above, however, all Structures shall be designed and constructed so as to have the capability of resisting a Base Flood.

SECTION 2. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. REPEALER

Any ordinance or part thereof that is inconsistent herewith is hereby repealed in whole or in part, to the extent inconsistent.

SECTION 4. ADOPTION

This Ordinance shall become effective on December 16, 2015.

ENACTED AND ORDAINED this 10th day of November, 2015.

ATTEST:

Elizabeth J. Heathcote
Secretary

BOARD OF COMMISSIONERS OF
YORK TOWNSHIP

By: Robert D. Steele
President

