

**CHAPTER 8
FLOODPLAINS**

PART 1

GENERAL PROVISIONS

- §8-101 Intent**
- §8-102 Applicability**
- §8-103 Abrogation and Greater Restrictions**
- §8-104 Severability**
- §8-105 Warning and Disclaimer of Liability**
- §8-106. Repealer**

PART 2

ADMINISTRATION

- §8-201. Building Permits Required**
- §8-202. Issuance of Building Permit**
- §8-203. Application Procedures and Requirements**
- §8-204. Review by County Conservation District**
- §8-205. Review of Application by Others**
- §8-206. Changes**
- §8-207. Placards**
- §8-208. Start of Construction**
- §8-209. Inspection and Revocation**
- §8-210. Fees**
- §8-211. Enforcement**
- §8-212. Appeals**

PART 3

ADMINISTRATION

- §8-301. Permits required**
- §8-302. Issuance of permits**
- §8-303. Application procedures**
- §8-304. Start of construction**
- §8-305. Inspection and revocation**
- §8-306. Fees**

FLOODPLAINS

§8-307. Enforcement

PART 4

TECHNICAL PROVISIONS

- §8-401. General
- §8-402. Special Requirements for FW and FA Areas
- §8-403. Elevation and Floodproofing Requirements
- §8-404. Design and Construction Standards
- §8-405. Development Which May Endanger Human Life
- §8-406. Special Requirements for Manufactured Homes

PART 5

ACTIVITIES REQUIRING SPECIAL PERMITS

- §8-501. General
- §8-502. Application Requirements for Special Permits
- §8-503. Application Review Procedures
- §8-504. Special Technical Requirements

PART 6

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

- §8-601. Existing Structures
- §8-602. Improvements

PART 7

VARIANCES

- §8-701. General Code Publishers
- §8-702. Variance Procedures and Conditions

PART 8

DEFINITIONS

- §8-801. General Code Publishers
- §8-802. Specific Definitions

PART 1
GENERAL PROVISIONS

§8-101. Intent.

The intent of this Chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices 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.

(Ord. 913, 8/11/2008, §1.00)

§8-102. Applicability.

- 1. 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 Town of Bloomsburg unless a building permit has been obtained from the Building Permit Officer.
- 2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 913, 8/11/2008, §1.01)

§8-103. Abrogation and Greater Restrictions.

This Chapter 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 Chapter, the more restrictive shall apply.

(Ord. 913, 8/11/2008, §1.02)

FLOODPLAINS

§8-104. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter 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 Chapter are hereby declared to be severable.

(Ord. 913, 8/11/2008, §1.03)

§8-105. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter 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 may be restricted by debris. This Chapter 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.
2. This Chapter shall not create liability on the part of the Town of Bloomsburg or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 913, 8/11/2008, §1.04)

§8-106. Repealer.

Any ordinance or parts thereof that are inconsistent with this Chapter are hereby repealed.

(Ord. 913, 8/11/2008, §1.05)

PART 2

ADMINISTRATION

§8-201. Building Permits Required.

Building permits shall be required before any construction or development is undertaken within any area of the Town of Bloomsburg.

(Ord. 913, 8/11/2008, §2.00)

§8-202. Issuance of Building Permit.

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any zoning permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the United States Clean Water Act, Section 404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any building permit, the Building Permit Officer shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
4. 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 Town of Bloomsburg and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Town of Bloomsburg prior to any alteration or relocation of any watercourse.

(Ord. 913, 8/11/2008, §2.01)

FLOODPLAINS

§2.02. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Town of Bloomsburg. Such application shall contain the following:
 - A. Name and address of applicant;
 - B. Name and address of owner of land on which proposed construction is to occur;
 - C. Name and address of contractor;
 - D. Site location including address;
 - E. Listing of other permits required;
 - F. Brief description of proposed work and estimated cost, including a breakdown of the flood-related cost and the market value of the building before the flood damage occurred;
 - G. A plan of the site showing the exact size and location of the proposed construction, as well as, any existing buildings or structures; and
 - H. Because of the Town of Bloomsburg's participation in the Community Rating System, all applications for new construction must be accompanied by an elevation certificate signed by a surveyor or a professional engineer that the new construction will be at an elevation at or above the one-and-one-half-foot freeboard as set forth in §8-403 of this Chapter. An elevation certificate will be furnished as an as-built when the construction is completed.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
 - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - B. All utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

- A. A completed building permit application form.
- B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale, and date;
 - (2) Topographic contour lines, if available;
 - (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (5) The location of all existing streets, drives, and other access ways; and
 - (6) 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.
- C. Plans of all proposed buildings, structures, and other improvements, drawn at suitable scale, showing the following:
 - (1) The proposed lowest floor elevation of any proposed building based upon North American vertical datum of 1988;
 - (2) The elevation of the one-hundred-year flood;
 - (3) Information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one-hundred-year flood;
 - (4) Detailed information concerning any proposed floodproofing measures; and
 - (5) Supplemental information as may be necessary under 34 PA Code (Chapters 401-405, as amended) and Sec. 1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R.106.1.3 and R104.7 of the 2003 IRC.
- D. The following data and documentation:
 - (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, im-

FLOODPLAINS

pact, and uplift forces associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

- (2) Detailed information needed to determine compliance with §8-404F, Storage, and §8-405, Development Which May Endanger Human Life, including:
 - (a) The amount, location and purpose of any materials, or substances referred to in §§8-404F and 8-405 which are intended to be used, produced, stored, or otherwise maintained on site.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §8-405 during a one-hundred-year flood.
- (3) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
- (4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(Ord. 913, 8/11/2008, §2.02)

§8-204. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

(Ord. 913, 8/11/2008, §2.03)

§8-205. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

(Ord. 913, 8/11/2008, §2.04)

§8-206. Changes.

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

(Ord. 913, 8/11/2008, §2.05)

§8-207. Placards.

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

(Ord. 913, 8/11/2008, §2.06)

§8-208. Start of Construction.

1. Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical, or other service lines from the street. Otherwise, the permit shall become null and void.
2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

(Ord. 913, 8/11/2008, §2.07)

§8-209. Inspection and Revocation.

1. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all

FLOODPLAINS

applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

2. In the discharge of his/her duties, the Building Permit Officer 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 Chapter.
3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit.
4. A record of all such inspections and violations of this Chapter shall be maintained.
5. The requirements of 34 PA Code (Chapters 401-405, as amended) and the IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, R109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

(Ord. 913, 8/11/2008, §2.08)

§8-210. Fees.

An application for a building permit shall be accompanied by a fee payable to the Town of Bloomsburg in an amount as established by resolution of the Town Council of the Town of Bloomsburg from time to time.

(Ord. 913, 8/11/2008, §2.09)

§8-211. Enforcement.

1. Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (d) be served upon the property owner or his/her 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 (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

2. Penalties. Any person who violates any provision of this Chapter, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not more than \$1,000 to be paid for the use of the Town of Bloomsburg, together with costs of prosecution, which fines and penalties may be collected by suit, brought in the name of the Town of Bloomsburg, in like manner as debts of like amount may be sued for.

(Ord. 913, 8/11/2008, §2.10)

§8-212. Appeals.

1. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Chapter may appeal to the Code Hearing Board of the Town of Bloomsburg. Such appeal must be filed, in writing, within 30 days after the decision, determination, or action of the Building Permit Officer and shall be accompanied by a fee payable to the Town of Bloomsburg in an amount as established by resolution of the Town Council of the Town of Bloomsburg from time to time.
2. Upon receipt of such appeal, the Code Hearing Board shall set a time and place, within not less than 10 days nor more than 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. The hearing will be held in accordance with the provisions of the Local Agency Act.
3. Any person aggrieved by any decision of the Code Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

(Ord. 913, 8/11/2008, §2.11)

PART 3

IDENTIFICATION OF FLOODPLAIN AREAS

§8-301. Identification.

The identified floodplain area shall be any areas of the Town of Bloomsburg subject to the one-hundred-year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated August 19, 2008, and the accompanying maps, or the most recent revision thereof, as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.

(Ord. 913, 8/11/2008, §3.00)

§8-302. Description of Floodplain Areas.

1. The identified floodplain area shall consist of the following specific areas:
 - A. FW (Floodway Area): the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
 - B. FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - C. FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
2. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Town of Bloomsburg.

FLOODPLAINS

(Ord. 913, 8/11/2008, §3.01)

§8-303. Changes in Identification of Area.

The identified floodplain area may be revised or modified by Town Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

(Ord. 913, 8/11/2008, §3.02)

§8-304. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Town of Bloomsburg Planning Commission and any party aggrieved by this decision or determination may appeal to Town Council. The burden of proof shall be on the appellant.

(Ord. 913, 8/11/2008, §3.03)

PART 4

TECHNICAL PROVISIONS

§8-401. General.

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 Town of Bloomsburg, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
2. Any new construction, development, use, or activity allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances, and regulations.

(Ord. 913, 8/11/2008, §4.00)

§8-402. Special Requirements for FW and FA Areas.

1. With any FW (Floodway Area), the following provisions apply:
 - A. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - B. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection Regional Office.
2. Within any FA (General Floodplain Area), the following provisions apply:
 - A. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection Regional Office.
 - B. Any new construction or development which would cause any increase in flood heights shall be prohibited within any floodway area.

(Ord. 913, 8/11/2008, §4.01)

FLOODPLAINS

§8-403. Elevation and Floodproofing Requirements.

1. 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 to a minimum of 1 1/2 feet above the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sections 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sections R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sections 2.4 and 2.5, Chapter 5) and 34 PA Code (Chapters 401-405, as amended) shall be utilized.
2. Nonresidential Structures.
 - A. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated to a minimum of 1 1/2 feet above the regulatory flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flooding up to that height.
 - B. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the United States 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 registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 - C. The design and construction standards and specifications contained in the IBC (Sections 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1) and ASCE 24 (Sections 2.4 and Chapter 7) and 34 PA Code (Chapters 401-405, as amended) shall be utilized.
3. Space Below the Lowest Floor.
 - A. Fully enclosed space below the lowest floor (including basement) is prohibited.
 - B. Partially enclosed space below the lowest floor (including 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 floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement

must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) Minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- C. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405, as amended) and the 2003 IRC (Sections R323.2.2 and R323.1.4) and the 2003 IBC (Sections 1612.4, 1612.5, 1202.3.2 and 1203.3.3).
4. Accessory structures. Structures 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.
 - B. Floor area shall not exceed 600 square feet.
 - C. The structure will have a low damage potential.
 - D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - E. Power lines, wiring, and outlets will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - G. Sanitary facilities are prohibited.
 - H. 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 registered professional engineer or architect, or meet or exceed the following minimum criteria:

FLOODPLAINS

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

(Ord. 913, 8/11/2008, §4.02)

§8-404. 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 15 feet beyond the building line from all points.
 - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - (4) Be no steeper than one vertical to two horizontal feet, unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer.
 - (5) Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sections 1801.1 and 1803.4) shall be utilized.
- B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater 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. The provisions contained in the 2003 IBC (Appendix G401.5) 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 floodwaters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (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 provisions of the UCC and 34 PA Code (Chapters 401-405, as amended) and contained in the 2003 IBC (Appendix G, Sections 401.3 and 401.4), the 2003 IRC (Section 323.1.6), the ASCE 24-98 (Section 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) 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 no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in §8-405, 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 floodwater.
- 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.

FLOODPLAINS

- (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 2003 IBC (Sections 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Sections R301.1 and R323.1.1) and ASCE 24-98 (Section 5.6) 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 34 PA Code (Chapters 401-405, as amended) and contained in the 2003 IBC (Sections 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Sections R323.1.7 and R501.3) and ASCE 24-98 (Chapter 6) 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 2003 IBC (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Section R323.1.7).

K. Electrical Components.

- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year 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 2003 IBC (Section 1612.4), the IRC (Section R323.1.5), the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) 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 provision and referenced in the UCC and 34 PA Code (Chapters 401-405, as amended) and contained in the 2003 IBC (Section 1612.4), the 2003 IRC (Section R323.1.5) the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

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

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 subsections of this Chapter to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

- (1) International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- (2) International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

(Ord. 913, 8/11/2008, §4.03)

FLOODPLAINS

§8-405. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

Acetone

Ammonia

Benzene

Calcium carbide

Carbon disulfide

Celluloid

Chlorine

Hydrochloric acid

Hydrocyanic acid

Magnesium

Nitric acid and oxides of nitrogen

Petroleum products (gasoline, fuel oil, etc.)

Phosphorus

Potassium

Sodium

Sulphur and sulphur products

Pesticides (including insecticides, fungicides, and rodenticides)

Radioactive substances, insofar as such substances are not otherwise regulated

2. Within any FW (Floodway Area), any structure of the kind described in Subsection 1 above shall be prohibited.
3. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 1 above shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and
 - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
4. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

(Ord. 913, 8/11/2008, §4.04)

§8-406. Special Requirements for Manufactured Homes.

- 1. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- 2. Where permitted within any floodplain area, all manufactured homes and any improvements thereto shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
 - C. Anchored to resist flotation, collapse, or lateral movement.
 - D. Installed 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 2003 International Residential Building Code or the United States 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 (Chapters 401-405, as amended).
 - E. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Section 501.1-3) and the 2003 IRC (Section R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) 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.

(Ord. 913, 8/11/2008, §4.05)

PART 5

ACTIVITIES REQUIRING SPECIAL PERMITS

§8-501. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Town of Bloomsburg:

- 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 manufactured home subdivision.

(Ord. 913, 8/11/2008, §5.00)

§8-502. Application Requirements for Special Permits.

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

- A. A written request including a completed building permit application form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale, and date.
 - (2) Topography based upon the North American vertical datum of 1929, showing existing and proposed contours at intervals of two feet.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

FLOODPLAINS

- (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - (5) The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred-year flood elevation, and information concerning the flow of water, including direction and velocities.
 - (7) The location of all proposed buildings, structures, utilities, and any other improvements.
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood.
 - (4) Detailed information concerning any proposed floodproofing measures.
 - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades.
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel owned by the applicant or the client he/she represents.
- (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood.
- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life.
- (4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows.
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose, buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows.
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

(Ord. 913, 8/11/2008, §5.01)

FLOODPLAINS

§8-503. Application Review Procedures.

Upon receipt of an application for a special permit by the Town of Bloomsburg, the following procedures shall apply in addition to those of Part 2:

- A. Within three business days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Town of Bloomsburg Planning Commission and the Town of Bloomsburg's engineer for review and comment.
- B. If an application is received that is incomplete, the Town of Bloomsburg shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Town of Bloomsburg decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Town of Bloomsburg approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five business days after the date of approval.
- E. Before issuing the special permit, the Town of Bloomsburg shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Town of Bloomsburg.
- F. If the Town of Bloomsburg does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Town of Bloomsburg and the applicant, in writing, of the reasons for the disapproval, and the Town of Bloomsburg shall not issue the special permit.

(Ord. 913, 8/11/2008, §5.02)

§8-504. Special Technical Requirements.

1. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 4 of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (1) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
 - (2) The lowest floor (including basement) elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Town of Bloomsburg and the Department of Community and Economic Development.

(Ord. 913, 8/11/2008, §5.03)

PART 6

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§8-601. Existing Structures.

The provisions of this Chapter 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 §8-602 shall apply.

(Ord. 913, 8/11/2008, §6.00)

§8-602. 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 that would cause any increase in the elevation of the one-hundred-year flood.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter. The above activity shall also address the requirements of 34 PA Code (Chapters 401-405, as amended), and the 2003 IBC (Sections 3402.1 and 1612.4) and the 2003 IRC (Section 323.1.4).
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- D. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Chapter.
- E. The requirements of 34 PA Code (Chapters 401-405, as amended) and the 2003 IRC (Sections R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sections 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

(Ord. 913, 8/11/2008, §6.01)

PART 7

VARIANCES

§8-701. General.

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

(Ord. 913, 8/11/2008, §7.00)

§8-702. Variance Procedures and Conditions.

1. Requests for variances shall be considered by the Town of Bloomsburg in accordance with the procedures contained in §8-212 and the following:
 - A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.
 - B. Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 5) or to development which may endanger human life (§8-405).
 - C. If granted, a variance shall involve only the least modification necessary to provide relief.
 - D. In granting any variance, the Town of Bloomsburg 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 Chapter.
 - E. Whenever a variance is granted, the Town of Bloomsburg shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - F. In reviewing any request for a variance, the Town of Bloomsburg shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.

FLOODPLAINS

- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Town of Bloomsburg. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.
 3. Applications for variance shall be accompanied by a fee payable to the Town of Bloomsburg in an amount as established by resolution of the Town Council of the Town of Bloomsburg from time to time and a hearing will be held before Town Council in accordance with the provisions of the Local Agency Act.

(Ord. 913, 8/11/2008, §7.01)

PART 8

DEFINITIONS

§8-801. General.

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

(Ord. 913, 8/11/2008, §8.00)

§8-802. 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.

BASEMENT — any area of the building having its floor below ground level on all sides.

BUILDING — a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

COMPLETELY DRY SPACE — a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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, and drilling operations; storage of equipment or materials; and the subdivision of land.

ESSENTIALLY DRY SPACE — a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FLOOD — a temporary inundation of normally dry land areas.

FLOODPLAIN AREA — a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real

FLOODPLAINS

estate or improved real property, water and sanitary facilities, structures and their contents.

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

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 of the Interior 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 — the floodplain area specifically identified in this Chapter as being inundated by the one-hundred-year flood.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occu-

pants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

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 nonelevation design requirements of this Chapter.

MANUFACTURED HOME — a structure, transportable in one or more sections, which is built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. 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 — a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

MINOR REPAIR — the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, 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 April 28, 1980, and includes any subsequent improvements thereto.

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

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.

RECREATIONAL VEHICLE — a vehicle which is:

A. Built on a single chassis.

FLOODPLAINS

- B. Not more than 400 square feet measured at the largest horizontal projections.
- C. Designed to be self-propelled or permanently towable by a light-duty truck.
- 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 one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL PERMIT — a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

STRUCTURE — anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items. 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

SUBSTANTIAL ADDITIONS TO MANUFACTURED HOME PARKS — Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

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 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 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" or "repetitive loss" when

a repetitive loss provision is used 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.

UNIFORM CONSTRUCTION CODE (UCC) — the statewide Building Code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities 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, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

(Ord. 913, 8/11/2008, §8.01)