

CHAPTER 4

BUILDINGS

PART 1

NUMBERING OF BUILDINGS

- §4-101. Building Numbers
- §4-102. Regulation
- §4-103. Numbering System
- §4-104. Assignment of Numbers
- §4-105. Penalties

PART 2

NUISANCES AND DANGEROUS STRUCTURES

- §4-201. Definitions
- §4-202. Dangerous Buildings Declared Nuisances
- §4-203. Standards for Repair, Vacation or Demolition
- §4-204. Duties of Code Enforcement Officer
- §4-205. Hearings
- §4-206. Removal of Notice Prohibited
- §4-207. Emergency Cases
- §4-208. Abatement by Borough
- §4-209. Penalties

PART 3

FLOODPLAINS

A. General Provisions

- §4-301. Intent
- §4-302. Applicability

B. Administration

- §4-311. Issuance of Building Permit
- §4-312. Application Procedures
- §4-313. Other Permit Issuance Requirements
- §4-314. Changes
- §4-315. Placards
- §4-316. Start of Construction
- §4-317. Inspection and Revocation
- §4-318. Fees
- §4-319. Enforcement
- §4-320. Appeals
- §4-321. Activities Requiring Special Permits

C. Identification of Flood Prone Areas

- §4-331. Identification
- §4-332. Changes in Identification of Flood Prone Areas
- §4-333. Disputes

D. Technical Provisions

- §4-341. General
- §4-342. Elevation and Floodproofing Requirements
- §4-343. Design and Construction Standards
- §4-344. Special Requirements for Mobile Homes
- §4-345. Development Which May Endanger Human Life

E. Variances

- §4-351. Request for Variance

F. Existing Structures in Flood Prone Areas

- §4-361. Existing Structures

G. Definitions

- §4-371. General
- §4-372. Specific Definitions

H. Interpretation

- §4-381. Construction

PART 1

NUMBERING OF BUILDINGS

§4-101. Building Numbers.

It shall be the duty of each and every owner, trustee and/or agent of each house and/or building within the limits of the Borough of Port Royal, Juniata County, Pennsylvania (the word house and/or building as used in this Part means any structure used or intended to be used as a dwelling, place of business, industry, public building or place of worship, which fronts on public street, alley or highway, but shall not include any accessory building located upon such lot where there is also a main building) shall number the same at his or her own expense in such manner and within such time as hereinafter is in accordance with this Part and the system and plan hereby adopted and approved.

(Ord. 1975-3, 4/3/1975, §1)

§4-102. Regulation.

On and after the passage of this Part the numbers shall be placed in a conspicuous place on every house and/or building in a conspicuous manner so that said number can be readily seen and read from the sidewalk in front of said building, in full view from the opposite side of the street. The numbers shall be Arabic numerals and shall be of metal or enamel, at least 3 inches in height. The color shall be in contrast with the immediate background. It shall be unlawful to cover any house and/or building number with any sign, drapery or other obstruction tending to conceal such number and all old numbers shall be removed from any house and/or building when a new number has been assigned and when so notified by the Secretary of Council at the direction of the Borough Council. The Borough Council is hereby authorized to require the numbering and renumbering of any house and/or building in accordance with this Part.

(Ord. 1975-3, 4/3/1975, §2)

§4-103. Numbering System.

The system of determining the numbers assigned to every house and/or building within the limits of the Borough of Port Royal, Juniata County, Pennsylvania, shall be as follows:

- A. Streets, alleys and highways extending north and south:
 - (1) Market Street and the Norfolk Southern Railroad shall be the line beginning for the numbering of every house and/or building on all parallel streets, alley or highways extending south to the Borough line, odd numbers to be assigned to every house and/or building situated on

BUILDINGS

the east side of said streets, alleys or highways extending south and even numbers to be assigned to every house and/or building situated on the west side of said streets, alleys or highways extending south.

B. Streets, alleys or highways extending east and west:

- (1) First Street from Milford Street extending east to the Borough line, odd numbers to be assigned to every house and/or building situated on the north side of First Street and even numbers to be assigned to every house and/or building situated on the south side of First Street.
- (2) Market Street shall be the dividing line between east and west. Market Street and Second Street shall be the line of beginning for the numbering of every house and/or building on all streets, alleys or highways parallel to Second Street and extending east and west to the Borough line. Streets east from Market Street, odd numbers to be assigned to every house and/or building situated on the north side and even numbers to be assigned to every house and/or building situated on the south side of said streets, etc. Streets west from Market Street, odd numbers to be assigned to every house and/or building situated on the south side and even numbers to every house and/or building situated on the north side of said streets, etc.
- (3) This procedure applies to all streets, alleys or highways in the Borough of Port Royal and those hereafter taken in by the Borough of Port Royal.

(*Ord. 1975-3, 4/3/1975, §3; as amended by Ord. 2003-02, 12/3/2003, §1*)

§4-104. Assignment of Numbers.

1. The assignment of numbers to every house and/or building in accordance with the provisions of this Part shall be under the direction and control of the Borough Council and shall proceed at once after the passage of this Part.
2. All numbers assigned in accordance with the provisions of this Part shall be available only to the owners, trustee and/or agent of the house and/or building upon application to the Borough Council.

(*Ord. 1975-3, 4/3/1975, §4*)

§4-105. Penalties.

1. **Fines.** Any owner, trustee and/or agent who fails to place on his or her house and/or building the number assigned by the Borough Council to such house and/or building or any person or persons who shall number or attempt to number any house and/or building contrary to this Part and the plan hereby approved and adopted or who shall alter, deface, remove or destroy any number required to be displayed by this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2003-02, 12/3/2003, § 1*]
2. Any owner, trustee or agent or person who shall fail or neglect to erect their house and/or building number in accordance herewith, within 30 days after formal notification, in writing, by the Borough Secretary, at the direction of the Borough Council shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2003-02, 12/3/2003, § 1*]
3. **Placement of Numbers by Borough.** In addition to the fine herein provided, if any owner, trustee or agent of a house and/or building shall fail within 90 days after the effective date of this Part to place thereon the number assigned thereto under the provision of this Part, the Borough Council shall have placed such number thereon and all costs of placing such number thereon shall be certified to the Borough Solicitor who shall enter the same as a lien against the premises in the Court of Common Pleas of Juniata County, Pennsylvania, which shall be collectible in the same manner as other municipal claims are collectible or, in lieu thereof, the Borough Solicitor may bring an action in assumpsit in the name of the Borough of Port Royal against such owner, trustee or agent to recover the costs of placing such number.

(*Ord. 1975-3, 4/3/1975, §5; as amended by Ord. 2003-02, 12/3/2003, §1*)

PART 2

NUISANCES AND DANGEROUS STRUCTURES

§4-201. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUILDING - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

DANGEROUS BUILDING - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
- E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

BUILDINGS

- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.
- H. Those which because of their location are unsanitary or otherwise dangerous to the health or safety of the occupants or the public.
- I. Those existing in violation of any provision of the building code, fire prevention code or other ordinances of the Borough.

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EXTERMINATION - control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

GARBAGE - animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - presence, within or around a dwelling, of any insects, rodents or other pests.

OWNER - person who, alone or jointly or severally with others:

- A. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.
- B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and with rules and regulation adopted pursuant thereto, to the same extent as if he were the owner.

PERSON - any individual, firm, corporation, association or partnership or other legal entity.

PROPERTY - a piece, parcel, lot or tract of land.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURE - any thing constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

2. Whenever the words "dwelling," "dwelling unit" or "premises" are used in this Part, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 76, 7/26/196w, §1; as revised by Ord. 2003-02, 12/3/2003, §1)

§4-202. Dangerous Buildings Declared Nuisances.

All dangerous buildings within the terms of §4-201 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

(Ord. 76, 7/26/1962, §2; as revised by Ord. 2003-02, 12/3/2003, §1)

§4-203. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Code Enforcement Officer of the Borough in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Code Enforcement Officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.

BUILDINGS

- D. If a dangerous building is 50% or more damaged or decayed, or deteriorated from its original condition, if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part, or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Borough or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

(Ord. 76, 7/26/1962, §3; as revised by Ord. 2003-02, 12/3/2003, §1)

§4-204. Duties of Code Enforcement Officer.

1. The Code Enforcement Officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of §4-201 above.
2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Code Enforcement Officer shall issue a written notice to the person or persons responsible therefor. The notice:
 - A. Shall be in writing.
 - B. Shall include a statement of the reasons it is being issued.
 - C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
 - D. Shall be served upon the owner, or his agent, or the occupant, as the case may require:
 - (1) Except in emergency cases and where the owner, occupant, lessee or mortgagee is absent from the Borough, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.

- (2) Except emergency cases, in all other cases where the owner, occupant, lessee or mortgagee is absent from the Borough, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.
- E. May contain an outline of remedial action which, if taken, will effect compliance with the provision of this Part and with the rules and regulations adopted pursuant thereto.
3. Appear at all hearings conducted by the Borough Council and testify as to the condition of dangerous buildings.

(Ord. 76, 7/26/1962, §4; as revised by Ord. 2003-02, 12/3/2003, §1)

§4-205. Hearings.

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, may request and shall be granted a hearing on the matter before the Borough Council; provided, that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the day on which the petition was filed.
2. After such hearing the Borough Council shall sustain, modify or withdraw the notice. If the Borough Council sustains or modified such notice, it shall be deemed to be an order. Any notice served pursuant to this part shall automatically become an order if a written petition for a hearing is not filed with the Borough Secretary within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code, title 42, Pa.C.S.

(Ord. 76, 7/26/1962, §5; as revised by Ord. 2003-02, 12/3/2003, §1)

BUILDINGS

§4-206. Removal of Notice Prohibited.

No person shall remove or deface the notice of dangerous building, except as provided in §4-203(C) of this Part.

(*Ord. 76, 7/26/1962, §6; as revised by Ord. 2003-02, 12/3/2003, §1*)

§4-207. Emergency Cases.

Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Code Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Code Enforcement Officer shall continue such order in effect, or modify or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

(*Ord. 76, 7/26/1962; as added by Ord. 2003-02, 12/3/2003, §1*)

§4-208. Abatement by Borough.

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Code Enforcement Officer within the time specified in the notice issued by him and no petition for a hearing is filed within 10 days thereafter, or following a hearing by the Borough council where the order is sustained thereby, the Code Enforcement Officer shall cause such building or structure to be repaired, vacated or demolished, as determined by the Borough Council in accordance with the standards hereinbefore provided. The Borough may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, in the manner provided by law or the Borough may seek injunctive relief in a court of competent jurisdiction pursuant to the Rules of Civil Procedure.

(*Ord. 76, 7/26/1962, as added by Ord. 2003-02, 12/3/2003, §1*)

§4-209. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 76, 7/26/1962; as added by Ord. 2003-02, 12/3/2003, §1)



PART 3
FLOODPLAINS

Amended
See Chapter 8

A. General Provisions.

§4-301. Intent.

The intent of this Part 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.

(Ord. 1977-1, 11/3/1977, Art. I, §100)

§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 Borough unless an approved 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; provided, that no structural changes or modifications are involved.

(Ord. 1977-1, 11/3/1977, Art I, §101)



B. Administration.

§4-311.. 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. No building permit shall be issued until all other required permits have been obtained from any other office or agency.

(Ord. 1977-1, 11/3/1977, Art. II, §2.01)

§4-312. Application Procedures.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. Such application shall contain at least 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.
 - E. Proposed lowest floor and basement elevations in relation to mean sea level.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located within, or adjacent to, any identified flood prone area, applicants for building permits shall also provide the following specific information:
 - A. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood prone development or structures and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:

BUILDINGS

- (1) All such proposals are consistent with the need to minimize flood damage.
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- B. Such plan shall also include existing and proposed contours, information concerning 100 year flood elevations, velocities and other applicable information such as pressure impact and uplift forces, associated with the 100 year flood, size of structures, location and elevations of streets, water supply and sanitary sewage facilities, soil types and floodproofing measures.
- C. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.

(Ord. 1977-1, 11/3/1977, Art. II, §2.02)

§4-313. Other Permit Issuance Requirements.

Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, Dam Safety and Encroachments Act and the Federal Water Pollution Control Act, amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.

(Ord. 1977-1, 11/3/1977, Art. II, §2.03; as amended by Ord. 2003-02, 12/3/2003, §1)

§4-314. 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.

(Ord. 1977-1, 11/3/1977, Art. II, 2.04)

§4-315. Placards.

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

(Ord. 1977-1, 11/3/1977, Art. II, §2.05)

§4-316. Start of Construction.

Work on the proposed construction shall begin within 6 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 shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the fire permanent framing or assembly of the structure or any part thereof on its pilings or foundation or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes or electrical or other service lines from the street. All construction covered by any issued permit shall be completed within 1 year of the date construction started.

(Ord. 1977-1, 11/3/1977, Art. II, §2.06)

§4-317. Inspection and Revocation.

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances. 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 and report such fact to the Borough Council for whatever action it considers necessary.

(Ord. 1977-1, 11/3/1977, Art. II, §2.07)

BUILDINGS

§4-318. Fees.

Applications for a building permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer in an amount to be established, from time to time, by resolution of Borough Council.

(*Ord. 1977-1*, 11/3/1977, Art. II, §2.08; as amended by *Ord. 2003-02*, 12/3/2003, §1)

§4-319. Enforcement.

1. **Notices.** Whenever the Building Permit Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall be in writing, include a statement of the reasons for its issuance, allow a reasonable time for the performance of any act it requires, 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, contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part or any part thereof and with the regulations adopted pursuant thereto.
2. **Hearings.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Borough Council; provided, that such person shall file with the Borough Secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, the Borough Secretary may postpone the date of the hearing for a reasonable time beyond such 10 day period when, in his judgment, the petitioner has submitted good and sufficient cause for such postponement.
3. **Findings and Order.** After such hearing the Borough Council shall make findings as to compliance with the provisions of this Part and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in subsection (1) of this Section.

4. **Record and Appeals.** The proceedings at such hearing, including the findings and decision of the Borough Council and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the Borough, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by a decision of the Borough may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

5. **Penalties.** Any person, firm or corporation who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Borough shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of or noncompliance with this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Part may be declared by the Borough Council to be a public nuisance and abatable as such. [*Ord. 2003-02, 12/3/2003, §1*]

(*Ord. 1977-1, 11/3/1977, Art. II, §2.11; as amended by Ord. 2003-02, 12/3/2003, §1*)

§4-320. Appeals.

1. Any person aggrieved by an action or decision of the Building Permit Officer or by any of the requirements of this Part may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer. Upon receipt of such appeal, the Borough Council shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing the appeal shall be given to all parties, at which time they may appear and be heard.

2. Any person aggrieved by any decision of the Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

(*Ord. 1977-1, 11/3/1977, Art. II, §2.12*)

BUILDINGS

§4-321. Activities Requiring Special Permits.

1. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Part or any other ordinance, code or regulation.
2. **Identification of Activities Requiring a Special Permit.** In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166) and regulations adopted by the Department of Community and Economic Development as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within any identified floodplain area: [Ord. 2003-02, 12/3/2003, §1]
 - A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used or intended to be used for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.
 - B. The commencement of or any construction of a new mobile home park or mobile home subdivision or substantial improvement to an existing mobile home park or mobile home subdivision.
3. **Application Requirements.** Applicants for special permits shall provide five copies of the following items:
 - A. A written request, including a completed building permit application form.
 - B. A small scale map showing the vicinity in which the proposed site is located.
 - C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (3) All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other accessways and parking areas with information concerning widths, pavement types and construction and elevations.

- (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities and any other natural and manmade features affecting, or affected by, the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations and information concerning the flow of water, including direction and velocities.
 - (7) The location of all proposed buildings, structures, utilities and any other improvements.
 - (8) Any other information which the Borough considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood.
 - (4) Detailed information concerning any proposed floodproofing measures.
 - (5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades.
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- E. The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

BUILDINGS

- (2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood.
 - (3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life.
 - (4) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows.
 - (5) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effect such materials and debris may have on 100 year flood elevations and flows.
 - (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [*Ord. 2003-02, 12/3/2003, §1*]
 - (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 §302 of Act 1978-166. [*Ord. 2003-02, 12/3/2003, §1*]
 - (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.
4. **Application Review Procedures.** Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to all other applicable permit procedures which are already established:
- A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the

Borough Planning Commission and Borough Engineer for review and comment.

- B. If an application is received that is incomplete, the Borough shall notify the applicant, in writing, stating in what respects the application is deficient.
 - C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered mail within 5 working days after the date of approval. [*Ord. 2003-02, 12/3/2003, §1*]
 - E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and the decision made by the Borough. [*Ord. 2003-02, 12/3/2003, §1*]
 - F. If the Borough does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a special permit to the applicant. [*Ord. 2003-02, 12/3/2003, §1*]
 - G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval and the Borough shall not issue the special permit. [*Ord. 2003-02, 12/3/2003, §1*]
5. **Technical Requirements for Development Requiring a Special Permit.** In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:
- A. 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:
 - (1) 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:
 - (a) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the 100 year flood elevation.

BUILDINGS

- (b) The lowest floor elevation (including basement) will be at least 1½ feet above the 100 year flood elevation.
 - (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
- (2) Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.
- B. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development. [*Ord. 2003-02, 12/3/2003, §1*]
6. Within any identified floodplain area any structure of the kind described in subsection (2) above shall be prohibited within the areas measured 50 feet landward from the top-of-bank of any watercourse.
7. Except for possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

(*Ord. 1977-1, 11/3/1977; as added by Ord. 1985-11, 12/5/1985, §2; and by Ord. 2003-02, 12/3/2003, §1*)

C. Identification of Flood Prone Areas.

§4-331. Identification.

1. For the purposes of this Part, the areas considered to be flood prone within the Borough shall be those areas identified as being subject to the 100 year flood in the flood insurance study prepared for the Borough by the Federal Insurance Administration.
2. A map showing all areas considered to be flood prone is available for inspection at the Borough offices. For the purposes of this Part, the following nomenclature is used in referring to the various kinds of flood prone areas:
 - A. **FW (Floodway Area).** The areas identified as "floodway" in flood insurance study prepared by the Federal Insurance Administration (FIA).
 - B. **FF (Flood Fringe Area).** The area identified as "floodway fringe" in the flood insurance study prepared by the FIA.

(Ord. 1977-1, 11/3/1977, Art. III, §3.00)

§4-332. Changes in Identification of Flood Prone Areas.

1. The areas considered to be flood prone may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
2. No modification or revision of any area identified as being flood prone in the flood insurance study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 1977-1, 11/3/1977, Art. III, §3.01)

§4-333. Disputes.

Should a dispute arise concerning the identification of any flood prone area, an initial determination shall be made by the Building Permit Officer and any aggrieved by such decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

(Ord. 1977-1, 11/3/1977, Art. III, §3.02)



D. Technical Provisions.

§4-341. 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 and until all required permits or approvals have been first obtained from the Commonwealth. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse. [*Ord. 2003-02, 12/3/2003, §1*]
2. Where a flood prone area has been identified which includes a floodway area, the following provisions apply:
 - A. Within any designated floodway (FW) area, no new construction, development, use, activity or encroachment of any kind shall be allowed, except where the effect of such proposed activity on flood heights is fully offset by accompanying improvements.
 - B. Within any designated flood fringe (FF) area, new construction and other development, uses and activities shall be allowed; provided, that they are undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

(*Ord. 1977-1, 11/3/1977, Art. IV, §4.00; and by Ord. 2003-02, 12/3/2003, §1*)

§4-342. Elevation and Floodproofing Requirements.

1. **Residential Structures.** Within any FW or FF area, the lowest floor (including basement) of any new or improved residential structure shall be at least 1½ feet above the 100 year flood elevation.
2. **Nonresidential Structures.**
 - A. Within any FW or FF area, the floor (including basement) shall be at least 1½ feet above the 100 year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 - B. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972) or some other equivalent standard for that type of construction.

BUILDINGS

(Ord. 1977-1, 11/3/1977, Art. IV, §4.01)

§4-343. Design and Construction Standards.

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood prone area:

- A. **Fill.** If fill is used, it shall:
 - (1) Extend laterally at least 15 feet beyond the building line from all points.
 - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - (4) Be no steeper than 1 vertical to 2 horizontal 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.
- B. **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. **Sanitary Sewer Facilities.** All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- D. **Water Facilities.** All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.
- E. **Streets.** The finished elevation of proposed new streets shall be nor more than 1 foot below the regulatory flood elevation.
- F. **Utilities.** All utilities such as gas lines, electrical and telephone systems being placed in flood prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

- G. **Storage.** No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life shall be stored below the regulatory flood elevation.
- H. **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.
- I. **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.
- J. **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.
- K. **Paints and Adhesives.**
- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" quality.
 - (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" quality.
 - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water resistant" paint or other finishing material.

BUILDINGS

L. **Electrical Systems and Components.**

- (1) Electric water heaters, furnaces, air conditioning and ventilating systems and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) Electrical distribution panels shall be at least 3 feet above the 100 year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. **Plumbing.**

- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) No part of any onsite sewage disposal system shall be located within any identified flood prone area.
- (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
- (4) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provision shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ord. 1977-1, 11/3/1977, Art. IV, §4.02)

§4-344. **Special Requirements for Mobile Homes.**

1. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in Standard D for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for mobile homes in hurricane zones or other appropriate standards, such as the following:
 - A. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units 50 feet or more in length and one additional tie per side for units less than 50 feet in length.

- B. Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate location for units 50 feet or more in length four additional ties per side for units less than 50 feet in length.
 - C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
2. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
- A. The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the regulatory flood.
 - B. Adequate surface drainage is provided.
 - C. Adequate access for a hauler is provided.
 - D. Where pilings are used for elevation, the lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than 10 feet apart, reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.
3. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks and mobile home subdivisions, where appropriate.
4. No mobile home shall be placed in any designated floodway area.

(Ord. 1977-1, 11/3/1977, Art. IV, §4.03)

§4-345. Development Which May Endanger Human Life.

- 1. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Part or any other ordinance, code or regulation.
- 2. In accordance with the Pennsylvania Floodplain 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, will be used for any activity requiring the maintenance of a supply of

BUILDINGS

more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises, will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life: [Ord. 2003-02, 12/3/2003, §1]

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

4. Where permitted within any flood fringe area or general floodplain area any structure of the kind described in subsection (2) above, shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood.
 - B. Designed to prevent pollution from the structure or activity during the course of a 100 year flood.

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 flood proofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972) or with some other equivalent watertight standard.

5. With any general floodplain area, any structure of the kind described in subsection (2) above, shall be prohibited with the area measured 50 feet landward from the top-of-bank of any watercourse.
6. Except for possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

(Ord. 1977-1, 11/3/1977; as added by Ord. 1985-1, 12/5/1985, §1; and by Ord. 2003-02, 12/3/2003, §1)



E. Variances.

§4-351. Request for Variance.

1. If compliance with the elevation or floodproofing requirements of this Part would result in an exceptional hardship for a prospective builder, developer or landowner, the Borough may, upon request, grant relief from the strict application of the requirement.
2. Requests for variances shall be considered by the Borough in accordance with the procedures contained in §4-320(1) and the following procedures:
 - A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.
 - B. If granted, a variance shall involve only the least modification necessary to provide relief.
 - C. In granting any variance, the Borough 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 Part.
 - D. Whenever a variance is granted, the Borough shall notify the applicant, in writing, that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - E. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable local or State ordinances and regulations.

BUILDINGS

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

- 3. Notwithstanding any of the above; however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the 100 year flood.

(Ord. 1977-1, 11/3/1977, Art. V)

F. Existing Structures in Flood Prone Areas.

§4-361. Existing Structures.

Structures existing in any identified flood prone area prior to the enactment of this Part, but which are not in compliance with these provision, may continue to remain subject to the following:

- A. Existing structures located in any designated floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. 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.
- C. Any modification, alteration, reconstruction or improvement of any king to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Part.

(Ord. 1977-1, 11/3/1977, Art. VI)



G. Definitions.

§4-371. General.

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

(Ord. 1977-1, 11/3/1977, Art. VII, §7.00)

§4-372. 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.

BUILDING - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile 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 to prevent the passage of water and water vapor.

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

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

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

FLOOD - a temporary inundation of normally dry land areas.

FLOOD FRINGE AREA - that portion of the floodplain outside of the floodway area.

FLOODPLAIN - see definition of "flood prone area."

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

BUILDINGS

FLOOD PRONE 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.

FLOODWAY AREA - the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the 100 year magnitude.

LAND DEVELOPMENT - the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings or the division or allocation of land of space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features, a subdivision of land.

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

MOBILE HOME - a transportable, single-family dwelling intended for permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood prone area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of water might carry the same downstream to the damage of life and property.

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

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor of 1½ feet.

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

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

(*Ord. 1977-1, 11/3/1977; as added by Ord. 1985-11, 12/5/1985, §3*)



§4-381. Construction.

This Part shall be construed in accordance with all applicable Federal, State and local laws, ordinances, rules and regulations, including such rules and regulations as the Pennsylvania Department of Environmental Protection may issue, from time to time, in final form and publish in the Pennsylvania Bulletin. Any provision herein shall be ineffective only if said provision is directly inconsistent with an applicable Federal, State or local law, ordinance or regulation.

(*Ord. 1977-1, 11/3/1977*; as added by *Ord. 1985-11, 12/5/1985, §3*; as amended by *Ord. 2003-02, 12/3/2003, §1*)

