

Ordinance 2012-01

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

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of the Township of Greenfield does hereby order as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1.00 Intent

The intent of this Ordinance 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.

Section 1.01 Abrogation and Greater Restrictions

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

Section 1.02 Severability

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

Section 1.03 Warning and Disclaimer of Liability

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

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

ARTICLE II. ADMINISTRATION

Section 2.00 Alteration of any Watercourse

The Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township of Greenfield prior to any alteration or relocation of any watercourse.

Section 2.01 Application Procedures and Requirements for Building Permits

If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that any proposed construction or development is located within, or partially within, any identified floodplain area, applicants for Building Permits and Special Permits shall also provide the following specific information:

1. A plan of the entire site, drawn at a scale of one (1)

inch being equal to one hundred (100) feet or less, showing the following:

- a. North arrow, scale, and date,
- b. a location map showing the vicinity in which the proposed activity or development is to be located within the municipality,
- c. topography based upon the North American Vertical Datum of 1988 showing existing and proposed contours at intervals of two (2) feet,
- d. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet,
- e. the location of all existing streets, drives, and other accessways with information concerning widths, pavement types and construction, and elevations,
- f. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development,
- g. the location of the identified floodplain area boundary line, floodway line if available, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities,
- h. a general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:
 - i) all such proposals are consistent with the needs to minimize flood damage;
 - ii) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - iii) adequate drainage is provided so as to reduce exposure to flood hazards;

iv) structures will be anchored to prevent floatation, collapse, or lateral movement;

v) building materials are flood-resistant;

vi) appropriate practices that minimize flood damage have been used; and

vii) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building elevations, as appropriate,

b. the proposed lowest flood elevations of any proposed building based upon North American Vertical Datum of 1988,

c. complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood.

d. detailed information concerning any proposed flood-proofing measures and corresponding elevations.

e. cross-section drawings for all proposed streets, drives, and other accessways and parking areas showing all rights-of-way and pavement widths.

f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades,

g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities,

h. soil types.

3. The following data and documentation:

a. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

- b. detailed information needed to determine compliance with Section 4.02 G., Storage, and Section 4.03, Development Which May Endanger Human Life, including:
 - i) the amount, location and purpose of any materials or substances referred to in Section 4.02 G and 4.03 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii) for any proposed structure regulated under Section 4.03, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substance during a one-hundred (100) year flood.
- c. the appropriate component of the Department of Environmental Protection "Planning Module for Land Development."
- d. 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.
- e. the elevation of the base flood.

Section 2.02 Review by County Conservation District

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

Section 2.03 Review of Application by Others

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

Section 2.04 Changes

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

Section 2.05 Designation of Floodplain Administrator

The Building Permit Officer within the Township of Greenfield is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance, including, but not limited to, permitting, inspection and enforcement.

Section 2.06 Permits Required

A Permit shall be required before any construction or development is undertaken within any area of the Township of Greenfield.

Prior to the issuance of any permit, the Floodplain Administrator 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 U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

Section 2.07 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized Township of Greenfield representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

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

4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an misdemeanor and upon conviction shall pay a fine to Township of Greenfield, of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. Each day's violation constitutes 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 Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

ARTICLE III. IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Designation of Floodplain Areas

The identified floodplain area shall be any areas of Greenfield Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) effective March 2, 2012, or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

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

Section 3.02 Identification of Floodplain Area

- A. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway

information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the 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 municipality.

- B. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

The identified floodplain area shall consist of the following specific

areas:

- C. The Floodway Area/District Identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

Section 3.03 Changes in Floodplain Area Delineations

The areas considered to be floodplain may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

No modification or revision of any floodplain area identified in The Flood Insurance Study prepared by the Federal Emergency Management Agency shall be made without prior approval from the Federal Emergency Management Agency.

Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Township of Greenfield shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data.

Section 3.04 Disputes

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any part aggrieved by such decision may appeal to the Board of Supervisors within thirty (30) days of the Planning Commissions written decision. The burden of proof shall be on the appellant.

ARTICLE IV. TECHNICAL PROVISIONS

Section 4.00 General

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

B. 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

C. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.

D. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

E. Within any Identified Floodplain Area (See Section 3.02), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

F. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 4.01 Elevation and Floodproofing Requirements

A. Residential Structures

1. Within any identified floodplain area, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one-half (1½) feet above the one hundred (100) year flood elevation.

B. Non-residential Structures

1. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1½) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
2. Any non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one-half (1½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the US 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. For all new construction and substantial improvements in any identified floodplain area, fully enclosed areas below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 4.02 Design and Construction Standards

The following minimum standards shall apply for all construction proposed to be undertaken within any identified floodplain area.

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points,
2. consist of soil or small rock materials only. Sanitary Landfills shall not be permitted.
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer.
5. to be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall

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

C. 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 systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. 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 no more than one (1) foot below the Regulatory Flood Elevation.

F. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 4.03, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

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 materials.

K. Paints and Adhesives

1. Paints or 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 finished material.

L. Electrical Systems and Components

1. Electric water heaters, furnaces, air conditioning and ventilation systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. Electrical distribution panels shall be at least three (3) feet above the one-hundred (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 on-site sewage disposal system shall be located within any identified floodplain 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 provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

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

International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 4.03 Development Which May Endanger Human Life

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

following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulfur and sulfur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited.

C. Within any identified floodplain area, any structure of the kind described in Section A above shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above the one-hundred (100) year flood and
2. designed to prevent pollution from the structure or activity during the course of a one-hundred (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 "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

Section 4.04 Special Requirements for Manufactured Homes

- A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-banks of any watercourse.
- B. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
 - 1. Placed on a permanent foundation;
 - 2. Elevated so that the lowest floor of the manufactured home is one and one-half (1½) feet or more above the elevation of the one hundred (100) year flood;
 - 3. Anchored to resist flotation, collapse, or lateral movement.

Section 4.05 Special Requirements for Recreational Vehicles

- A. Recreational Vehicles in any identified floodplain area must either:
 - 1. be on the site for fewer than 180 consecutive days,
 - 2. be fully licensed and ready for highway use, or
 - 3. meet the permit requirement for manufactured homes.

ARTICLE V. ACTIVITIES REQUIRING SPECIAL PERMITS

Section 5.00 General

In accordance with the Department of Community and Economic Development's administrative regulations implementing the Pennsylvania Floodplain Management Act, (Act 1978-166) the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a Special Permit is issued:

- A. hospitals (public or private)
- B. nursing homes (public or private)
- C. jails or prisons
- D. new manufactured home parks and manufactured home

subdivisions, and substantial improvements to existing manufactured home parks or subdivisions.

Section 5.01 Special Permit Application Requirements

Application for a Special Permit shall consist of at least 5 copies of the following items:

- A. A written request which includes the information specified in Section 2.01, pertaining to building permit application procedures.
- B. The following documentation:
 - 1. certification from the applicant that the site upon which the activity or development is proposed is an existing and single parcel, owned by the applicant or the client he 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 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 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 effects 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;"

7. where any evacuation 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; and
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.

Section 5.02 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township of Greenfield the following procedures shall apply in addition to those in Article II.

A. Within three (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 Township of Greenfield Planning Commission and Township of Greenfield Engineer for review and comment.

B. If an application is received that is incomplete, the Township of Greenfield shall notify the applicant in writing, stating in what respects the application is deficient.

C. If the Township of Greenfield decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township of Greenfield 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 (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township of Greenfield shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township of Greenfield.

F. If the Township of Greenfield does not receive any communication from the Department of Community and Economic Development during the thirty (30) 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 Township of Greenfield and the applicant, in writing, of the reasons for the disapproval, and the Township of Greenfield shall not issue the Special Permit.

Section 5.03 Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, 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 Article IV, of this Ordinance or in any other code, ordinance or regulation, the more restrictive provision shall apply.

B. 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. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the one-hundred (100) 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 (100) year flood elevation.
 - b. the first floor elevation will be at least one and one-half (1½) feet above the one-hundred 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 one-hundred (100) year flood.
2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

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 Township of Greenfield and the Department of Community and Economic Development.

ARTICLE VI. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Structures existing in any identified floodplain area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain subject to the following:

1. Existing structures located in any identified 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.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VII. VARIANCES

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

Requests for variances shall be considered by the Township of Greenfield in accordance with the following:

1. No variances shall be granted for any construction, development, use or activity within any identified floodplain area that would cause any increase in the one-hundred (100) year flood elevation.
2. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Art. V) or to Development Which May Endanger Human life (Sec. 4.03).
3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. In granting any variance, the Township of Greenfield shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health,

safety, and welfare, and to achieve the objectives of this Ordinance.

5. Whenever a variance is granted, the Township of Greenfield shall notify the applicant in writing that:
 - a. the granting of the variance may result in increased premium rates for flood insurance.
 - b. such variances may increase the risks to life and property.
6. In reviewing any request for a variance, the Township of Greenfield shall consider, but not be limited to, the following:
 - a. that there is good and sufficient cause
 - b. that failure to grant the variance would result in exceptional hardship to the applicant
 - c. that the granting of the variance will 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 Federal, State, or local ordinance and regulations.
7. A complete record of all variance requests and related actions shall be maintained by the Township of Greenfield. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

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

ARTICLE VIII. DEFINITIONS

Section 8.00 General

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

Section 8.01 Specific Definitions

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

- B. Base Flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
- C. Base Flood Elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has 1-percent or greater chance of being equaled or exceeded in any given year.
- D. Building - a combination of materials to form a permanent structure having walls and a roof. Including shall be all manufactured homes and trailers to be used for human habitation.
- E. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured home
- F. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- G. Flood - a temporary inundation of normally dry land areas.
- H. Floodplain - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- I. Floodproofing - means any combination of structural and non-structural 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.
- J. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- K. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map,

the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

- L. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- M. Identified floodplain area - the floodplain area specifically identified in this ordinance as being inundated by the one-hundred (100) year flood. This is the area designated as floodplain on the FIRM developed by the FEMA.
- N. Land development - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) the group of two or more buildings, (b) the division or allocation of land or 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; (ii) a subdivision of land.
- O. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- P. Manufactured Home - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, and other similar vehicles which are placed on a site for more than 180 consecutive days.
- Q. Manufactured Home Park -- a parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- R. New Construction - structures for which the start of construction commenced on or after March 2, 2012, and includes any subsequent improvements thereto. Any

construction started after April 1, 1982 and before March 2, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

- S. 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 floodprone 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.
- T. Recreational vehicle - a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measure 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.
- U. Regulatory flood elevation -- the one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.
- V. Special Flood Hazard Area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, A0, A1-A30, AE, A99, or AH.
- W. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- X. Start of Construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other

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

- Y. 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.
- Z. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division 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 ten (10) acres, not involving any new street or easement of access, shall be exempted.
- AA. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- BB. Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.
- CC. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3),

(e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE IX. REPEALER AND ENACTMENT

All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

This Ordinance shall be effective on March 2, 2012, and shall remain in force until modified, amended or rescinded by the Township of Greenfield, Blair County, Pennsylvania.

ORDAINED AND ENACTED at a regular meeting of the Board of Supervisors of the Township of Greenfield held this 7th day of February, 2012.

GREENFIELD TOWNSHIP

SUPERVISORS

Joseph D. Claar

Harry E. Black Jr.

Alton B. Eberle

ATTEST:

Harvey L. Hileman
Secretary