

CHAPTER 72

BUILDING CONSTRUCTION

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[HISTORY; Adopted by the Board of Commissioners of the Township of Wilkins: Art. 1,3-9-1992 as Ord. No. 823; Art. II, 12-11-1995 as Ord. No. 878. Amendments noted where applicable]

General references

Dangerous buildings – See Ch. 74.

Grading and drainage – See Ch. 94.

Zoning – See Ch. 173,

ARTICLE I

BUILDING CONSTRUCTION CODE

[Adopted 3-9-1992 as Ord. No. 823]

72-1. Adoption of standards.

A certain document, copies of which are on file in the office of the Secretary of the Township of Wilkins, being marked and designated as the “BOCA National Building Code/1990, Eleventh Edition,” as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the Township of Wilkins, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in 72-2 of this Article.

72-2. Modification of standards.

The following sections are hereby revised as follows:

- A. Section 100, 1 (page 1, second line) shall be amended by inserting “the Township of Wilkins.”
- B. Section 103.4 (page 3, first line) shall be amended by inserting “January 1, 1988.”
- C. Section 112.0 is amended to add Section 112.10 as follows:

112.10 Sewage disposal plan: No building permit shall be issued until such time as the sewage disposal plan for the structure or structures involved has been reviewed and approved in accordance with the provisions of the rules and regulations of the Pennsylvania Department of Environmental Resources.

D. Section 114.3.1 (page 10, third line) is amended to read as follows:

114.3.1 Fee schedule: A fee for each plan examination, building permit and inspections shall be paid in the amount as set by resolution of the Board of Commissioners now in effect or as revised from time to time.

E. Section 117.4 (page 12).

(1) In the fifth line, insert the following for offense: “summary offense.”

(2) In the sixth line, insert the following for amount: \$1,000 (see Act No. 19 of 1988).”

(3) In the seventh line, insert the following for number of days: “30 days.”

F. Section 118.2 (page 12):

(1) In the fourth line, insert the following for amount: “\$50.”

(2) In the fourth line, insert the following for amount: “\$1,000.”

G. Section 123.0 is deleted in its entirety. Any person aggrieved by an order of a township enforcement officer may appeal such order to the Board of Appeals in the manner set forth in Section 124.0.

H. (Reserved)¹

I. Article 7 is amended as follows:

(1) The title of Article 7 is amended to read: “Interior and Exterior Environmental Requirements.”

(2) Article 7 is amended to add Section 715.0 as follows:

SECTION 715.0 EXTERIOR ILLUMINATION

The quantity of illumination falling outside of the user’s property and the luminance of lighting equipment visible from neighboring property shall be controlled by the user in accordance with the following:

715.1 Definitions: As used in this section, the following terms shall have the meanings indicated:

¹ Editor’s Note Former Subsection H, regarding the substitution of Board provisions, was repealed 7-29-2002 by Ord. No. 945

CANDELA – One (1) “candela” is the unit of luminous intensity in a given direction. It is commonly called one (1) “candlepower.”

DIFFUSING LUMINAIRE – A “diffusing luminaire” is one (1) that scatters light substantially in all directions, as contrasted with a directional luminaire, which confines its light principally in an angle of less than one hundred eighty degrees (180)degrees.

FLOODLIGHT – A luminaire designed to project its light in a well-defined area. It is directional in character.

FLOODLIGHT BEAM – The angular spread of light between two (2) orthogonal planes, each of which equals ten percent (10%) of the maximum candlepower within the beam.

FOOTCANDLE – One (1) “ footcandle” is the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

FOOTLAMBERT – One (1) “footlambert” is the luminance of a surface uniformly emitting, transmitting or reflecting one (1) lumen per square foot of surface.

ILLUMINATION – The density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in footcandles.

LIGHT SOURCE – A device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

LUMEN – The quantity of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one-candela source provides twelve and fifty-seven hundredths (12.57) lumens.

LUMINAIRE – A device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

LUMINANCE – The luminous intensity per unit projected area of a given surface viewed from a given direction, expressed in footlamberts.

715.2. Illumination.

- A. Metering equipment: Lighting levels shall be measured in footcandles with a direct reading portable light meter with a color and cosine-corrected sensor with multiple scales. The meter shall read within an accuracy of plus or minus five percent (5%). It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of use as attested to by a certificate issued by such laboratory.

- B. Method of measurement, horizontal: The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the meteorological optical range is six (6) miles or further such that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made after dark with the existing questioned light sources on, then with the same sources off. The difference between the two (2) readings shall be compared to the footcandle ratings listed in Section 715.2D. This procedure eliminates the affects of moonlight and other ambient light.
- C. Method of measurement, vertical: The meter sensor shall be mounted at five (5) feet above ground level in a vertical position, perpendicular to the property line and facing the outdoor lighting in question. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made after dark with the existing-questioned light sources on then with the same sources off. The difference between the two (2) readings shall be compared to the footcandle ratings listed in Section 715.2D. This procedure eliminates the effects of moonlight and other ambient light.
- D. Limitations.

- 1. Limitations on neighboring property: The limit of illumination on neighboring property from one (1) establishment shall be by zoning of the neighboring property. Maximum computed or measured footcandles at the neighboring property line shall not exceed:

	Footcandles	
	Horizontal	Vertical
Single-family and two-family Residential districts	0.2	0.5
Multiple-family residential districts	0.5	0.5
Non-residential districts, streets	3.0	3.0
Industrial districts	5.0	5.0

- 2. Limitations on established property. The maximum outdoor initial-computed or measured illuminance level on the establishment property shall not exceed twenty-five (25) footcandles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed forty (40) footcandles.

- E. Computation of illumination: Illumination at a point may be compared in lieu of measurement. Computational methods shall consist of a point-by-point method, using certified photometric data furnished by the fixture manufacturer, lamp

manufacturer, photometric laboratory or other reliable authority satisfactory to the township. Computations shall be based on new, properly seasoned lamps, new and clean fixtures and at rated voltage and wattage, with ballasts, lenses, shields, diffusers and other appurtenances in place; and with proper regard taken for mounting height, relative elevation and natural and man-made objects.

715.2 Illuminance (brightness): Because of the lack of a practical means of measuring fixture luminance in the field and because of the factors involved in glare, a computational method shall be used from which to determine compliance with this section. The point from which luminance calculations shall be made is five (5) feet above ground on other property line.

A. Vertical luminance calculations using luminaire photometric data: For the purpose of this section, the illuminance shall be computed by the formula:

$$L = \frac{I}{(d^2 + h^2)} \sin \theta$$

I = The fixture candlepower in candelas in the direction of the point from which the calculations are to be made.

d = The shortest distance in feet measured horizontally from the property line to a point directly under the luminaire.

h = The height of the luminaire above the eye level as explained in Figure A below.²

This calculation assumes the photoreceptor is vertical, five (5) feet above grade (at the property line) and facing toward the questioned luminaire.

B. Illuminance limitations: The luminance on neighboring property from one (1) establishment shall be by zoning of the neighboring property. The luminance as calculated in Section 715.3 above shall not exceed the value by zoning as set forth in Section 715.2D.

715.3. Enforcement.

A. Illumination in excess of limitation. If the illumination, as measured or calculated, exceeds the limitations shown in Section 715.2D, the illumination shall be reduced until the illumination is equal to or less than that prescribed in the aforementioned Section 715.2D. This may be accomplished by reduction in the quantity of luminaries, reduction of the wattage of the lamps, shielding the luminaries or by reaiming of the luminaries.

² Editor's note: Figure A is on file and available for inspection in the office of the Township Secretary.

B. Shielding: Luminaires which are directed toward a viewer shall be aimed in such a manner that the viewer's eye, five (5) feet above ground at or beyond the property line, shall not be exposed to fixture luminance within the luminaire beam as defined in Section 715.1. Such luminaries, if they cannot be reaimed, shall be shielded such that the fixture is effectively concealed from view from the neighboring property. Shielding may be accomplished by louvers, buffers, visors or shields placed on the luminaries or by plantings, fences, berms, elevation or any other method such that the limitations of illuminance and luminance heretofore prescribed are achieved.

715.5.Exceptions: Lighting installed by a governmental agency for public benefit on public rights-of-way and parks shall be exempt from the provisions of this section. Temporary special effects of holiday lighting shall be exempt from the provisions of this section. Other temporary lighting effects may be used if approved by the Township Manager.

715.6.Existing lighting: When outdoor lighting does not conform to the provisions of this section and lawfully exists on the date of enactment, it shall be modified to conform to this section.

715.7.Lighting plan: All commercial, industrial and multifamily uses in excess of three (3) units shall file with the township and obtain approval of a lighting plan complying with the regulations of this section.

(3) [Added 11-9-1992 by Ord. No. 829] Article 7 is amended to add Section 716.0 as follows:

SECTION 716.0 CONSTRUCTION SITES

716.1 Construction activities regulated: All earthmoving and construction activity conducted in or on land development or building sites in all zoning districts shall be conducted so as to prevent and eliminate all pollution of the air over or onto realty adjacent to or in the vicinity of the land development or building site.

716.2 Air pollution defined: Pollution of the air includes pollutants arising as a result of land development or construction activity, including but not limited to dust, smoke and pollen.

716.3 Responsibility of owner and contractor: The owner of and any contractor involved in a land development or construction site shall provide, at all times, sufficient technology and equipment to assure that polluted air does not escape from the perimeters of the land development or building site.

(4) [Added 11-9-1992 by Ord. No. 829] Article 7 of BOCA is amended by adding thereto the following section:

717.1: Work hours: All earthmoving or construction activity conducted in or on all land development or building sites, in all zoning districts, which activity creates noise which is projected beyond the perimeters of the land on which the land development or construction activity is conducted, shall be limited to the following hours of work:

Days	Permitted Times
Monday through Friday	8:00a.m. to 6:00pm, prevailing time
Saturday	9:00a.m. to 5:00pm. prevailing time
Sunday	none

Construction activity includes the operation of machinery, engines and vehicles, the operation of which shall not commence before or continue after the hours designated herein.

J. Article 28 is deleted in its entirety.

K. Section 2906.1 (page 455):

(1) In the third line, insert the following for amount: “five hundred thousand dollars (\$500,000.)”

(2) In the fifth line, insert for amounts:”one million dollars (\$1,000,000.) and five hundred thousand dollars (\$500,000).

L. Section 2907.0 is amended by adding thereto Sections 2907.6, 2907.7 and 2907.8 as follows:

2907.6 Lighting: All lights heretofore or hereinafter installed to illuminate any sign shall be provided with a hood, shade or similar device so as to direct the light emitted toward the sign.a

2907.7 Time: All lights installed to illuminate any sign located within two hundred fifty (250) feet of any structure used as a dwelling shall not be turned on prior to sunrise and shall be turned off prior to 10:00 pm prevailing time.

2907.8 Size: Any sign located within two hundred fifty (250) feet of any structure used as a dwelling shall not exceed thirty-two (32) square feet. When more than one (1) distinct and separate business entity occupies the same lot, the provisions of Section 303 of Ordinance No. 542 shall apply.

M. Section 2908.1 is deleted and revised to state: “The structural frame of ground signs shall not be erected to a height of more than thirty-five (35) feet [ten thousand six hundred sixty-eight (10,668) millimeters] above the ground.”

N. Section 2908.2 is deleted in its entirety.

72-3. Severability.

Nothing in this Article or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquired or existing under any act or ordinance hereby repealed or cited in 72-2 of this Article, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

ARTICLE II

Building permits: Construction Within
Flood Hazard Areas
[Adopted 12-11-1995 as Ord. No. 878³]

72-4. Intent.

The intent of this Article 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.

72-5. Applicability.

- A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development anywhere within the township unless a building permit has been obtained from the Building Permit Officer.
- B. A building permit shall not be required for repairs to existing buildings or structures, as provided by Article I of this chapter or as said Article I is hereinafter amended, reenacted or supplemented.

72-6. Abrogation; greater restrictions to apply.

³ Editor's note: This Ordinance superseded former Art. II, Construction Within Flood Hazard Areas,

This Article supersedes any other conflicting provision which may be in effect in identified flood plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

72-7. Warning and disclaimer of liability.

- A. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified flood plain area or that land uses permitted within such areas will be free from flooding or flood damages.
- B. This Article shall not create liability on the part of the township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

72-8. Definitions and word usage.

- A. Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.
- B. As used in this Article, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE – A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

BASEMENT – Any area of the building having its floor below ground level on all sides.

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

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

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

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining;

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

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

FLOOD – A temporary inundation of normally dry land areas.

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

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

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

HISTORIC STRUCTURE – Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or

- (b) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in this Article as being inundated by the one-hundred-year flood; included would-be areas identified as “floodway” (FW), “flood-fringe” (FF).

LAND DEVELOPMENT:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving a group of two (2) or more buildings, or the division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- (2) A subdivision of land.

LOWEST FLOOR – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the “lowest floor” of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements in this Article.

MANUFACTURED HOME – A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) 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, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK – A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for nontransient use.

MINOR REPAIR – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after March 1978, and includes any subsequent improvements thereto.

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

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

RECREATIONAL VEHICLE – A vehicle which is built on a single chassis; no more than four hundred (400) square feet, measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION – The one-hundred-year flood elevation, plus a freeboard safety factor of one and one-half (1-1/2) feet.

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

STRUCTURE – Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes, and other similar items.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two (2) 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 subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or residential dwellings shall be exempted.

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

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement.

This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

72-9. Building permits.

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

B. Issuance of building permit.

- (1) The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(2) Prior to the issuance of any building permit, the Building Permit Officer shall review the application for 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)⁴ And the United States Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

- (2) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the township and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the township prior to any alteration or relocation of any watercourse.

C. Application procedures and requirements.

⁴ Editor's Note: See 35 P.S. 750.1 et seq. and 35 P.S. 691.1 et seq., respectively.

(1) Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the township. Such application shall contain the following:

- (a) The name and address of the applicant.
- (b) The name and address of the owner of land on which proposed construction is to occur.
- © The name and address of the contractor.
- D The site location.
- (e) A listing of other permits required.
- (f) A 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.

(3) Required information.

(a) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

[1] All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.

[2] All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.

[3] Adequate drainage is provided so as to reduce exposure to flood hazards.

(b) Applicants shall file the following minimum information, plus any other pertinent information (e.g., any or all of the technical information contained in 72-19B) as may be required by the Building Permit Officer to make the above determination:

[1] A completed building permit application form.

[2] A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

[a] North arrow, scale and date.

[b] Topographic contour lines, if available.

[c] All property and lot lines, including dimensions and the size of the

[d] The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.

[e] The location of all existing streets, drives and other accessways.

[f] The location of any existing bodies of water or watercourses, Identified floodplain areas and, if available, information pertaining To the flloodway and the flow of water, including direction and Velocities.

[3] Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale, showing the following:

[a] The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

[b] The elevation of the one-hundred-year flood.

[c] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood.

[d] Detailed information concerning any proposed floodproofing measures..

[4] The following data and documentation:

[a] A document certified by a registered professional engineer or architect which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the on-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

[b] Detailed information needed to determine compliance with 72-16F, Storage, and 72-17, Development which may endanger human life, including:

[i] The amount, location and purpose of any materials or substances referred to in 72-16F and 72-17 which are intended to be used, produced, stored or otherwise maintained on site.

[ii] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in 72-17 during a one-hundred-year flood.

[c] The appropriate component of the Department of Environmental Resources Planning Module for Land Development.

[d] Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control

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

E. 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.

F. 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.

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

H. Start of construction.

- (1) Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes or electrical or other service lines from the street.
- (2) Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

I. Inspection and revocation.

- (1) During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- (2) In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.
- (3) In the event that 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 Board for whatever action it considers necessary.
- (4) A record of all such inspections and violations of this Article shall be maintained.

J. Fees. Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the rates set forth by resolution of the Board of Commissioners.

72-10. Enforcement.

A. Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulation adopted pursuant thereto, the Building Permit Officer 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 Article.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the township of not more than one thousand dollars (\$1,000.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed thirty (30) days. Each day during which any violation of this Article continues 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 Article. The imposition of a fine or penalty for any violation of or noncompliance with this Article shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Board of Commissioners to be a public nuisance and abatable as such.⁵

72-11. Appeals.

⁵ Editor's Note: Amended at this time of adoption of Code; see Ch.1, General Provisions, Art. I.

- A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Article, may appeal to the Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.
 - B. Upon receipt of such appeal, the Board shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
 - C. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to court as provided by the laws of this commonwealth, including the Pennsylvania Flood Plain Management Act.⁶
- 72-11. Identification of floodplain areas.

A. Identification. The identified floodplain area shall be those areas of the Township of Wilkins which are subject to the one-hundred year flood, as identified in the Flood Insurance Study (FIS) dated October 4, 1995, and the accompanying maps, prepared for the township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. The Flood Insurance Study and map is on file in the office of the Township Secretary at 110 Peffer Road, Wilkins Township, where it may be examined.

B. Description of floodplain areas.

(1) The identified floodplain area shall consist of the following specific areas:

- (a) FW (floodway area): the areas identified as “floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. For the purposes of this Article, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one-hundred-year flood without increasing the water-surface elevation of that flood more than one(1) foot at any point.
- (b) FF (flood-fringe area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

⁶ Editor’s Note: See 32P.S. 679.101 et seq.

- (2) In lieu of the above, the township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by 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.
- C. Changes in identification of area. The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- D. Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission, and any party aggrieved by this decision may appeal to the Board. The burden of proof shall be on the appellant.

72-12. General technical provisions.

- A. 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 Resources, Bureau of Dams and Waterway Management. In addition, the Federal Emergency Management Agency, and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.
- B. 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 Article and any other applicable codes, ordinances and regulations.

72-13. Special requirements for FW areas.

Within any FW (floodway area), the following provisions apply:

- A. Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
- B. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

72-14. Elevation and floodproofing requirements.

A. Residential structures. Within any identified floodplain area, the lowest floor (including basement) of any new residential structure or any substantial improvement to an existing residential structure shall be at least one and one-half (1-1/2) feet above the one-hundred-year flood elevation. Fully enclosed spaces below the lowest floor shall be prohibited.

B. Nonresidential structures.

(1) Within any identified floodplain area the lowest floor (including basement) of any new nonresidential structure, or any substantial improvement to an existing nonresidential structure shall be at least one and one-half (1-1/2) feet above the one-hundred-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.

(2) Any nonresidential structure or part thereof having a lowest floor which is not elevated to at least one and one-half (1-1/2) feet above the one-hundred-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space-classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the United States Army Corps of Engineers (June 1971, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied 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. Space below the lowest floor.

(1) Fully enclosed space below the lowest floor (including basement) is prohibited.

(2) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl space. 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) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one (1) foot above grade

© Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements.

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, materials and equipment related to the principal use or activity.

(2) Floor area shall not exceed six hundred (600) square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

(5) Power lines, wiring and outlets will be at least one and one-half (1-1/2) feet above the one-hundred-year flood elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

(7) Sanitary facilities are prohibited.

(8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one (1) foot above grade.

©. Openings may be equipped with screens, louvers, etc., or other coverings or

72-15. Design and construction standards.

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

A. Fill, if fill is used, it shall:

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

B. Drainage facilities, storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and sanitary sewer facilities and systems.

- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for

such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood..

- D. Other utilities. All other utilities such as gas lines and electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life and not listed in 72-17, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, walls and ceilings.
 - (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and adhesives.

- (1) Paints or other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.

- (1) Electrical distribution panels shall be at least three (3) feet above the one-hundred-year flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

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

72-16. Development which may endanger human life.

A. In accordance with the Pennsylvania Flood Plain Management Act⁷ and the regulations adopted by, the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume of any of the following dangerous materials or substances on the premises or will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The

⁷ Editor's Note: See 32 P.S. 679.101 et seq.

following list of materials and substances are considered dangerous to human life:

Acetone
Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid
Chlorine
Hydrochloric acid
Hydrocyanic acid
Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium
Sodium
Sulphur and sulphur products
Pesticides (including insecticides, fungicides and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated

- B. Within any identified floodway area, any structure of the kind described in Subsection A above shall be prohibited.
- C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one-hundred-year flood and designed to prevent pollution from the structure or activity during the course of a one-hundred-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 floodproofing contained in the publication "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent watertight standard.

72-17. Special requirements for manufactured homes.

- A. Within any FW (floodway area), manufactured homes shall be prohibited.
- B. Where permitted within any floodplain area, all manufactured homes, and any improvements 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 (1-1/2) feet or more above the elevation of the one-hundred-year flood.
- (3) Anchored to resist flotation, collapse or lateral movement.

72-18. Activities requiring special permits.

A. General. In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the township.

- (1) 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:

- (a) Hospitals.
- (b) Nursing homes.
- © Jails or prisons.

- (2) The commencement of or any construction of a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

B. Application requirements for special permits. Applicants for special permits shall provide five (5) copies of the following items:

- (1) A written request including a completed building permit application form.
- (2) A small-scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred feet or less, showing the following:
 - (a) North arrow, scale and date.

- (b) The topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - (c) All property and lot lines, including dimensions, and the size of The site expressed in acres or square feet.
 - (d) The location al all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement Types and construction and elevations.
 - (e) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting or affected by the proposed activity or development.
 - (f) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred-year flood elevations and information concerning the flow of water, including direction and velocities.
 - (g) The location of all proposed buildings, structures, utilities, and any other improvements.
 - (h) Any other information which the municipality considers necessary for adequate review of the application.
- (3) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at a suitable scale, showing the following:
- (a) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.
 - (b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood.
 - (d) Detailed information concerning any proposed floodproofing measures.

- (e) Cross section drawings for all proposed streets, drives, 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.

(4) The following data and documentation:

- (a) Certification from the applicant that the site upon which the activity or development proposed is an existing separate and single parcel owned by the applicant or the client he represents.
- (b) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood.
- (c) 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 one-hundred-year flood, including a statement concerning the effects such pollution may have on human life
- (d) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows.
- (e) A statement certified by a registered professional engineer, architect or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows.
- (f) The appropriate component of the Department of Environmental Resources Planning Module for Land Development.

- (g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control.
 - (h) Any other applicable permits such as but not limited to a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166.⁸
 - (i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.
- C. Application review procedures. Upon receipt of an application for a special permit by the township the following procedures shall apply in addition to those of 72-9, 72-10 and 72-11:
- (1) 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 Planning Commission and Township Engineer for review and comment.
 - (2) If an application is received that is incomplete, the township shall notify the applicant, in writing, stating in what respect the application is deficient.
 - (3) If the township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - (4) If the township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.
 - (5) Before issuing the special permit, the township shall allow the Department of Community Affairs thirty (30) days after receipt of the notification by the Department to review the application and decision made by the township.

⁸ Editor's Notes: See 32 P.S. 679.302.

- (6) If the township does not receive any communication from the Department of Community Affairs during the thirty-day review period, it may issue a special permit to the applicant.
- (7) If the Department of Community Affairs should decide to disapprove an application, it shall notify the township and the applicant, in writing, of the reasons for the disapproval, and the township shall not issue the special permit.

D. Special technical requirements.

- (1) In addition to the requirements of 72-13 through 72-18 of this Article, 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 72-13 through 72-18 of this Article or in any other code, ordinance or regulation, the more restrictive provision shall apply.
- (2) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - [1] The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one-hundred-year flood elevation.
 - [2] The lowest floor elevation will be at least one and one-half (1-1/2) feet above the one-hundred-year flood elevation.
 - [3] The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood
 - (b) Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.
- (4) 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, analysis, computations, etc., shall be

submitted in sufficient detail to allow a thorough technical review by the township and the Department of Community Affairs.

72-19. Existing structures in identified floodplain areas.

- A. Existing structures. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Subsection B shall apply.
- B. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
 - (1) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one-hundred-year flood.
 - (2) Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of fifty percent (50%) or more of its market value shall constitute substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
 - (3) Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible

72-20. Variances.

- A. General. If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the township may, upon request, grant relief from the strict application of the requirements.
- B. Variance procedures and conditions. Requests for variances shall be considered by the township in accordance with the procedures contained in 72-11 and the following:
 - (1) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.
 - (2) Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special

permit (72-19) or to development which may endanger human life (72-17),

- (3) If granted, a variance shall involve only the least modification necessary to provide relief.
- (4) In granting any variance, the township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Article.
- (5) Whenever a variance is granted, the township shall notify the applicant, in writing, that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks to life and property.
- (6) In reviewing any request for a variance, the township shall consider, at a minimum, the following:
 - (a) That there is good and sufficient cause.
 - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) The granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.
- (7) A complete record of all variance requests and related actions shall be maintained by the township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- (8) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

