Chapter 24 — Floodplain Management

Article I — Title & Intent

§ 24-101 Short Title. 24-5
§ 24-102 Intent. 24-6

Article II — Definitions

§ 24-201 Undefined Terms. 24-6
§ 24-202 Definitions—In General. 24-6
§ 24-203 Accessory Use or Structure. 24-6
§ 24-204 Basement. 24-6
§ 24-205 Board. 24-7
§ 24-206 Borough. 24-7
§ 24-207 Building. 24-7
§ 24-208 Building Permit. 24-7
§ 24-209 Building Permit Officer. 24-7
§ 24-210 Completely Dry Space. 24-7
§ 24-211 Council. 24-7
§ 24-212 Development. 24-7
§ 24-213 Essentially Dry Space. 24-8
§ 24-214 Flood. 24-8
§ 24-215 Floodplain Area. 24-8
§ 24-216 Floodproofing. 24-8
§ 24-217 Floodway. 24-8
§ 24-218 Historic Structure. 24-8
§ 24-219 Identified Floodplain Area. 24-9
§ 24-220 Land Development. 24-9
§ 24-221 Lowest Floor. 24-9
§ 24-222 Manufactured Home. 24-10
§ 24-223 Manufactured Home Park. 24-10
§ 24-224 Minor Repair. 24-10
§ 24-225 New Construction. 24-10
§ 24-226 One Hundred (100) Year Flood. 24-10
§ 24-227 Person. 24-10
§ 24-228 Recreational Vehicle. 24-11
§ 24-229 Regulatory Flood Elevation. 24-11

§ 24-230 Structure. 24-11
§ 24-231 Subdivision. 24-11
§ 24-232 Substantial Damage 24-11
§ 24-233 Substantial Improvement. 24-12

Article III — Identification of Floodplain Areas

§ 24-301 In General 24-12
§ 24-302 Description of Floodplain Areas. 24-12
(a) FW—Floodway Area. 24-12
(b) FF—Flood-Fringe Area 24-12
(c) FE—Special Floodplain Area. 24-12
(d) FA—General Floodplain Area. 24-13
§ 24-303 Changes in Identification of Area. 24-13
§ 24-304 Boundary Disputes 24-13

Article IV — Administration

§ 24-401 Building Permit Required. 24-13
(a) In General. 24-13
(b) Exception. 24-13
§ 24-402 General Application Requirements. 24-14
§ 24-403 Applications for Projects Within Identified Floodplain Areas—In General 24-14
§ 24-404 Submissions Required for Projects Within Identified Floodplain Areas. 24-14
(a) Application Form. 24-15
(b) Site Plan 24-15
(c) Plans of Improvements. 24-15
(d) Documentation for Special Floodplain Area (FE). 24-15
(e) Certification of Adequate Design 24-15
(f) Compliance With Storage and Endangerment Requirements 24-16
(g) Planning Module. 24-16
(h) Erosion and Sedimentation Control. 24-16
§ 24-405 Fees 24-16
§ 24-406 Issuance of Building Permit. 24-16
(a) In General. 24-16
(b) Other Required Permits. 24-16
(c) Effects on Watercourses. 24-16
(d) Review by Others. 24-17
§ 24-407 Changes to Building Permit and Supporting Material 24-17
§ 24-408 Placards. 24-17
§ 24-409 Time of Construction. 24-17
(a) In General. 24-17
(b) Start of Construction. 24-17
(c) Time Extensions. 24-17
§ 24-410 Inspection and Revocation. 24-18
(a) Inspections 24-18
(b) Authority to Enter for Inspection. 24-18
(c) Revocation of Building Permit. 24-18
(d) Maintenance of Records. 24-18

§ 24-411 Enforcement. 24-18
(a) Notice. 24-18
(b) Penalties. 24-19
(c) Other Remedies. 24-19
§ 24-412 Appeals. 24-19
(a) In General. 24-19
(b) Consideration by the Board. 24-19
(c) Judicial Appeal. 24-19

Article V — Technical Provisions

§ 24-501 In General. 24-20
§ 24-502 Special Requirements for FW, FE, and FA Areas. 24-20
(a) FW Area. 24-20
(b) FA Area. 24-20
(c) FE Area. 24-20
§ 24-503 Elevation and Floodproofing Requirements. 24-20
(a) Residential Structures. 24-20
(b) Nonresidential Structures. 24-21
(1) In General. 24-21
(2) Elevations Lower Than Regulatory Flood Elevation. 24-21
(c) Space Below the Lowest Floor. 24-21
(1) Fully Enclosed Space. 24-21
(2) Partially Enclosed Space. 24-21
(d) Accessory Structures. 24-21
§ 24-504 Design and Construction Standards. 24-22
(a) Fill. 24-22
(b) Drainage Facilities. 24-22
(c) Water and Sanitary Sewer Facilities and Systems. 24-22
(d) Other Utilities. 24-23
(e) Streets. 24-23
(f) Storage. 24-23
(g) Placement of Buildings and Structures. 24-23
(h) Anchoring. 24-23
(i) Floors, Walls, and Ceilings. 24-23
(j) Paints and Adhesives. 24-23
(k) Electrical Components. 24-24
(l) Equipment. 24-24
(m) Fuel Supply Systems. 24-24
§ 24-505 Development Which May Endanger Human Life. 24-24
(a) Applicability. 24-24
(b) Dangerous Materials and Substances. 24-24
(c) FW Areas. 24-25
(d) FA and FE Areas. 24-25
(e) Other Restrictions. 24-25
§ 24-506 Special Requirements for Manufactured Homes. 24-25
(a) FW Areas. 24-25
(b) FA and FE Areas. 24-25
(c) Other Restrictions. 24-26
§ 24-507 Prohibited Activities. 24-26
(a) Restrictive Facilities. 24-26
(b) Manufactured Home Parks and Subdivisions. 24-26

Article VI — Existing Structures

§ 24-601 In General. 24-26
§ 24-602 Increase in Flood Elevation. 24-26
§ 24-603 FE Areas. 24-27

§ 24-604 Substantial Improvements. 24-27
§ 24-605 Other Improvements. 24-27

Article VII — Variances

§ 24-701 In General. 24-27
§ 24-702 Minimum Standard for Variance. 24-27
§ 24-703 Increase in Flood Elevation. 24-28
§ 24-704 FE Areas. 24-28
§ 24-705 Prohibited Activities. 24-28
§ 24-706 Dangerous Activities. 24-28
§ 24-707 Least Variance Necessary. 24-28
§ 24-708 Conditions. 24-29
§ 24-709 Notification. 24-29

Article VIII — Miscellaneous

§ 24-801 Effect of Other Borough Regulations. 24-29
§ 24-802 Internal Conflicts. 24-29
§ 24-803 Severability. 24-29
§ 24-804 Warning. 24-30
§ 24-805 Disclaimer of Liability. 24-30

Appendix

¶ 24-A Disposition of Ordinance 220. 24-30
¶ 24-B Disposition of 1981 Code, Chapter 68. 24-31
¶ 24-C Derivation of Former Unofficial Chapter 68 to 1981 Code. 24-31
¶ 24-D Source Ordinances. 24-32

Article I — Title & Intent

§ 24-101 Short Title.

This Chapter shall be known, and may be cited, as the "Alburtis Floodplain Management Ordinance."

§ 24-102 Intent.

The intent of this Chapter is to:

(a) Promote the general health, safety, and welfare 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.

Article II — Definitions

§ 24-201 Undefined Terms.

Words and phrases used in this Chapter which are not specifically defined in this Article shall be interpreted so as to give this Chapter is most reasonable application.

§ 24-202 Definitions—In General.

For purposes of this Chapter, the terms defined in the remaining sections of this Article II shall have the meanings so indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

§ 24-203 Accessory Use or Structure.

The term "accessory use or structure" shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

§ 24-204 Basement.

The term "basement" shall mean any area of a building having its floor below ground level on all sides.

§ 24-205 Board.

The term "Board" shall mean the Zoning Hearing Board of the Borough.

§ 24-206 Borough.

The term "Borough" shall mean the Borough of Alburtis, Lehigh County, Pennsylvania.

§ 24-207 Building.

The term "building" shall mean a combination of materials to form a permanent structure having walls and a roof, including, without limitation, all manufactured homes and trailers used or to be used for human habitation.

§ 24-208 Building Permit.

The term "Building Permit" shall mean a permit issued under Article V of this Chapter.

§ 24-209 Building Permit Officer.

The term "Building Permit Officer" shall mean the duly appointed and designated official of the Borough responsible for administering and enforcing the provisions of this Chapter. In the absence of a specific appointment with respect to this Chapter, the Building Permit Officer shall mean the Borough official responsible for administering and enforcing the provisions of the Borough's building code.

§ 24-210 Completely Dry Space.

The term "completely dry space" shall mean a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

§ 24-211 Council.

The term "Council" shall mean the Borough Council of the Borough.

§ 24-212 Development.

The term "development" shall mean any man-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, ex-

pansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; the subdivision of land; and any encroachment, alteration, or improvement of any kind to any watercourse.

§ 24-213 Essentially Dry Space.

The term "essentially dry space" shall mean 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.

§ 24-214 Flood.

The term "flood" shall mean a temporary inundation of normally dry land areas.

§ 24-215 Floodplain Area.

The term "floodplain area" shall mean 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.

§ 24-216 Floodproofing.

The term "floodproofing" shall mean 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.

§ 24-217 Floodway.

The term "floodway" shall mean the designated area of a floodplain area required to carry and discharge flood waters of a given magnitude. For purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

§ 24-218 Historic Structure.

The term "historic structure" shall mean any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

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

§ 24-219 Identified Floodplain Area.

The term "identified floodplain area" shall mean the floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood.

§ 24-220 Land Development.

The term "land development" shall mean any of the following activities:

(a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing and/or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

(b) A subdivision of land.

§ 24-221 Lowest Floor.

The term "lowest floor" shall mean the lowest floor of the lowest fully enclosed area (including basement) of a building. An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and/or incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, *provided* that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

§ 24-222 Manufactured Home.

The term "manufactured home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, and recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

§ 24-223 Manufactured Home Park.

The term "manufactured home park" shall mean a parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

§ 24-224 Minor Repair.

The term "minor repair" shall mean 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. "Minor repairs" shall also not include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

§ 24-225 New Construction.

The term "new construction" shall mean structures for which the start of construction commenced on or after October 13, 1982, and includes any subsequent improvements thereto.

§ 24-226 One Hundred (100) Year Flood.

The term "one hundred (100) year flood" shall mean a flood that, on the average, is likely to occur once every one hundred (100) years (*i.e.*, that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

§ 24-227 Person.

The term "person" shall mean 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.

§ 24-228 Recreational Vehicle.

The term "recreational vehicle" shall mean a vehicle which is—

(a) built on a single chassis;

(b) not more than four hundred (400) square feet, measured at the largest horizontal projections;

(c) designed to be self-propelled or permanently towable by a light-duty truck; and

(d) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

§ 24-229 Regulatory Flood Elevation.

The term "regulatory flood elevation" shall mean the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1.5) feet.

§ 24-230 Structure.

The term "structure" shall mean anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

§ 24-231 Subdivision.

The term "subdivision" shall mean 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, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development, *provided*, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall not be considered a "subdivision".

§ 24-232 Substantial Damage.

The term "substantial damage" shall mean 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.

§ 24-233 Substantial Improvement.

The term "substantial improvement" shall mean any modification, alteration, 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. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. However, the term does not include either—

(a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, *provided* that the alteration will not preclude the structure's continued designation as a historic structure.

Article III — Identification of Floodplain Areas

§ 24-301 In General.

The identified floodplain area shall be those areas of the Borough which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study ("FIS") effective November 7, 2001 and the accompanying maps prepared for the Borough by the Federal Emergency Management Agency ("FEMA"), or the most recent revision thereof.

§ 24-302 Description of Floodplain Areas.

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

(a) FW—Floodway Area. The FW—Floodway Area consists of the areas identified as "Floodway" in the AE Zone in the FIS. 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 FIS.

(b) FF—Flood-Fringe Area. The FF—Flood-Fringe Area consists of the remaining portions of the one hundred (100) year floodplain outside of the floodway, in those areas identified as an AE Zone in the FIS, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the FIS.

(c) FE—Special Floodplain Area. The FE—Special Floodplain Area consists of the areas identified as Zone AE in the FIS, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

(d) FA—General Floodplain Area. The FA—General Floodplain Area consists of the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, the Borough 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 Borough.

§ 24-303 Changes in Identification of Area.

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

§ 24-304 Boundary Disputes.

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

Article IV — Administration

§ 24-401 Building Permit Required.

(a) In General. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a Building Permit has been obtained from the Building Permit Officer.

(b) Exception. A Building Permit shall not be required for minor repairs to existing buildings or structures.

§ 24-402 General Application Requirements.

Application for a Building Permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. The application shall include the following:

(a) Name and address of the applicant.

(b) Name and address of the owner of the land on which the proposed construction is to occur.

(c) Name and address of the contractor.

(d) Site location.

(e) Listing of other permits required.

(f) Brief description of the proposed work and its 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.

§ 24-403 Applications for Projects Within Identified Floodplain Areas—In General.

If any proposed construction or development is located entirely or partially within any identified floodplain area, the applicant shall provide all the necessary information, in sufficient detail and clarity, to enable the Building Permit Officer to determine whether—

(a) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Chapter and all other applicable codes and ordinances;

(b) all utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

(c) adequate drainage is provided so as to reduce exposure to flood hazards.

§ 24-404 Submissions Required for Projects Within Identified Floodplain Areas.

The following minimum information shall be filed by the applicant to satisfy its obligation under § 24-403. The applicant shall also file such other pertinent information as may be required by the Building Permit Officer (such as the information described in § 24-602 in the case of an application for a Special Permit):

(a) Application Form. A completed Building Permit Application Form.

(b) Site Plan. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:

(1) north arrow, scale, and date;

(2) topographic contour lines, if available;

(3) all property and lot lines, including dimensions, and the size of the site expressed in acres or **squ**are feet;

(4) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;

(5) the location of all existing streets, drives, and other access ways; and

(6) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

(c) Plans of Improvements. Plans of all proposed buildings, structures, and other improvements, drawn at suitable scale, showing the following:

(1) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

(2) the elevation of the one hundred (100) year flood;

(3) if available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred (100) year flood; and

(4) detailed information concerning any proposed floodproofing measures.

(d) Documentation for Special Floodplain Area (FE). If any development is proposed within an FE—Special Floodplain Area, the application shall include documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within the FE—Special Floodplain Area, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot (1') at any point.

(e) Certification of Adequate Design. 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 one hundred (100) year flood. The 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 development.

(f) Compliance With Storage and Endangerment Requirements. Detailed information needed to determine compliance with § 24-504(f) (relating to storage) and § 24-505 (relating to development which may endanger human life), including:

(1) the amount, location, and purpose of any materials or substances referred to in § 24-504(f) or § 24-505 which are intended to be used, produced, stored, or otherwise maintained on site; and

(2) 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 § 24-505 during a one hundred (100) year flood.

(g) Planning Module. The appropriate component of the Pennsylvania Department of Environmental Protection's Planning Module for Land Development.

(h) Erosion and Sedimentation Control. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection to implement and maintain erosion and sedimentation control.

§ 24-405 Fees.

All applications for a Building Permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer, at the following rates:

(a) If the estimated cost is less than or equal to One Thousand Dollars ($1,000.00), the fee shall be Ten Dollars ($10.00).

(b) If the estimated cost is greater than One Thousand Dollars ($1,000.00), the fee shall be Ten Dollars ($10.00) plus Two Dollars ($2.00) for every One Thousand Dollars ($1,000.00) or part thereof of the estimated cost beyond the first One Thousand Dollars ($1,000.00).

§ 24-406 Issuance of Building Permit.

(a) In General. 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 Chapter and all other applicable codes and ordinances.

(b) Other Required Permits. Prior to the issuance of any Building Permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by state or 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 Building Permit shall be issued until the Building Permit Officer determines that all such required permits have been obtained.

(c) Effects on Watercourses. No Building Permit shall be issued for any encroachment, alteration, or improvement of any kind to any watercourse until all adjacent municipalities which

may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. The Building Permit Officer shall also notify the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development prior to issuing a Building Permit for any alteration or relocation of any watercourse.

(d) Review by Others. The Building Permit Officer may submit a copy of all plans and applications for any proposed construction or development in any identified floodplain area to any other appropriate agencies and/or individuals for review and comment (such as, without limitation, the Lehigh County Conservation District, the Lehigh Valley Planning Commission, the Alburtis Planning Commission, the Borough Engineer, and the Borough Solicitor), and may incorporate their recommendations into any Building Permit.

§ 24-407 Changes to Building Permit and Supporting Material.

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.

§ 24-408 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 shall be signed by the Building Permit Officer.

§ 24-409 Time of Construction.

(a) In General. Work on the proposed construction and/or development shall begin within six (6) months after the issuance of the Building Permit, and shall be completed within twelve (12) months after the issuance of the Building Permit, or the Building Permit shall expire, unless a time extension is granted, in writing, by the Building Permit Officer.

(b) Start of Construction. 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.

(c) Time Extensions. 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.

§ 24-410 Inspection and Revocation.

(a) Inspections. During the construction period, the Building Permit Officer or his/her designee shall inspect the premises to determine whether the work is progressing in compliance with the Building Permit, the information provided on the permit application, and with all applicable laws, regulations, and ordinances. The Building Permit Officer and/or his/her designee shall make as many inspections during and upon completion of the work as are reasonably necessary, in their opinion.

(b) Authority to Enter for Inspection. In the discharge of his duties under this Chapter, the Building Permit Officer or his/her designee shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter. By completing and filing an application for a Building Permit, the applicant shall be deemed to have consented to the provisions of this subsection (b).

(c) Revocation of Building Permit. In the event the Building Permit Officer and/or his/her designee discovers that the work does not comply with the Building Permit, the permit application, or any applicable laws, regulations, or ordinances, or that there has been a false statement or representation by the applicant, the Building Permit Officer shall revoke the building permit and report such fact to Council and the Board for whatever action they consider necessary.

(d) Maintenance of Records. The Building Permit Officer shall maintain a record of all inspections made under this Section and violations of this Chapter which have been discovered.

§ 24-411 Enforcement.

(a) Notice. Whenever the Building Permit Officer or his/her designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulations adopted pursuant to this Chapter, the Building Permit Officer shall give notice of the alleged violation, which 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/her agent as the case may require. Such notice shall be deemed to have been properly served upon the owner or agent when a copy thereof has been served personally, by certified mail to the property owner's address as shown on the Building Permit application, or by any other method authorized by the laws of this Commonwealth; and

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

(b) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Chapter, or who fails or refuses to comply with any notice, order, or direction of the Building Permit Officer or his/her designee, shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine to the Borough of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) for each violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. 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 Chapter occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas.

(c) Other Remedies. In addition to the penalties described in subsection B, the Borough reserves all other actions and rights, including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter 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 Chapter, may be declared to be a public nuisance by Council, and be abatable as such.

§ 24-412 Appeals.

(a) In General. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Chapter may appeal to the Board. Such appeal must be filed, in writing, with the Secretary of the Borough within thirty (30) calendar days after the contested decision, determination, or action of the Building Permit Officer.

(b) Consideration by the Board. Upon receipt of an appeal under this Section, the Secretary of the Borough shall schedule a meeting of the Board not less than ten (10) calendar days nor more than thirty (30) calendar days after receipt of the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

(c) Judicial Appeal. Any person aggrieved by any decision of the Board under this Section may appeal to court as provided under the laws of this Commonwealth, including, without limitation, the Pennsylvania Flood Plain Management Act, 32 PA. STAT. ANN. § 679.101 *et seq*.

Article V — Technical Provisions

§ 24-501 In General.

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

§ 24-502 Special Requirements for FW, FE, and FA Areas.

(a) FW Area. The following requirements apply within any FW—Floodway Area:

(1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

(2) No new construction or development shall be allowed unless a permit is obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

(b) FA Area. The following requirements apply within any FA—General Floodplain Area:

(1) No new construction or development shall be located within the area measured fifty feet (50') landward from the top-of-bank of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

(2) Any new construction or development which would cause any increase in flood heights shall be prohibited within any floodway area.

(c) FE Area. The following requirements apply within any FE—Special Floodplain Area:

(1) No new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood by more than one foot (1') at any point.

(2) The requirements set forth in subsection (b)(1) and (2).

§ 24-503 Elevation and Floodproofing Requirements.

(a) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation.

(b) Nonresidential Structures.

(1) In General. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely dry or essentially dry during any flood up to that height.

(2) Elevations Lower Than Regulatory Flood Elevation. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least the regulatory flood elevation shall be floodproofed in a completely dry 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 U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a 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. Fully enclosed space below the lowest floor (including basement) is prohibited.

(2) Partially Enclosed Space. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, and/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 "partially enclosed space" also includes crawl spaces. Designs for meeting the requirement of this paragraph (2) 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.

(C) openings may be equipped with screens, louvers, 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 and/or the storage of tools, material, and equipment related to the principal use or activity;

(2) floor area shall not exceed six hundred (600) square feet;

(3) the structure must have a low damage potential;

(4) the structure shall be located on the site so as to cause the least obstruction to the flow of flood waters;

(5) power lines, wiring, and outlets shall be at least one and one-half feet (1.5') above the one hundred (100) year flood elevation;

(6) permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, and dryers, 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 floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting the requirement of this paragraph (8) must either be certified by a registered professional engineer or architect, <u>or</u> meet or exceed the minimum criteria set forth in subsection (c)(2)(A), (B), and (C).

§ 24-504 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 use, it shall:

(1) extend laterally at least fifteen feet (15') 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; and

(5) be used only 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 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) Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(d) Other Utilities. All other utilities, such as gas lines and electrical, telephone, and cable television systems, shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.

(e) Streets. The finished elevation of all new streets shall be no more than one foot (1') 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 are not listed in § 24-505 (relating to development which may endanger human life), shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

(g) Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.

(h) Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(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 and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k) Electrical Components.

(1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) 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 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.

§ 24-505 Development Which May Endanger Human Life.

(a) Applicability. The provisions of this section shall apply to any new or substantially improved structure which—

(1) will be used for the production or storage of any of the dangerous materials or substances listed in subsection (b);

(2) will be used for any activity requiring the maintenance on the premises of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the dangerous materials or substances listed in subsection (b); or

(3) will involve the production, storage, or use of any amount of radioactive substances.

These provisions shall be interpreted in accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted thereunder by the Department of Community and Economic Development, and shall be in addition to all other applicable requirements of federal, state, and local law, regulations, or ordinances.

(b) Dangerous Materials and Substances. The following materials and substances are considered dangerous to human life:

(1) acetone;

(2) ammonia;

(3) benzene;

(4) calcium carbide;

(5) carbon disulfide;

(6) celluloid;

(7) chlorine;

(8) hydrochloric acid;

(9) hydrocyanic acid;

(10) magnesium;

(11) nitric acid and oxides of nitrogen;

(12) petroleum products (gasoline, fuel oil, etc.);

(13) phosphorus;

(14) potassium;

(15) sodium;

(16) sulphur and sulphur products;

(17) pesticides (including insecticides, fungicides, and rodenticides);

(18) radioactive substances, insofar as such substances are not otherwise regulated.

(c) FW Areas. Within any FW—Floodway Area, any structure of the kind described in subsection (a) is prohibited.

(d) FA and FE Areas. Within any FA—General Floodplain Area or FE—Special Floodplain Area, any structure of the kind described in subsection (a) is prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

(e) Other Restrictions. Where a structure of the kind described in subsection A is permitted within any floodplain area—

(1) the structure shall be elevated or designed and constructed to remain completely dry up to at least the regulatory flood elevation;

(2) the structure shall be designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood; and

(3) any part of the structure 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 document "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent water-tight standard.

§ 24-506 Special Requirements for Manufactured Homes.

(a) FW Areas. Manufactured homes are prohibited within any FW—Floodway Area.

(b) FA and FE Areas. Within any FA—General Floodplain Area or FE—Special Floodplain Area, manufactured homes are prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

(c) Other Restrictions. 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 above the regulatory flood elevation; and

(3) anchored to resist flotation, collapse, or lateral movement.

§ 24-507 Prohibited Activities.

The following activities are prohibited within any identified floodplain area:

(a) Restrictive Facilities. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) hospitals;

(2) nursing homes or assisted care facilities; or

(3) jails or prisons.

(b) Manufactured Home Parks and Subdivisions. 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.

Article VI — Existing Structures

§ 24-601 In General.

The provisions of this Chapter do not require any changes or improvements to be made to any lawfully existing structures. However, the provisions of this Article VI shall apply when an improvement is made to any existing structure within any identified floodplain area.

§ 24-602 Increase in Flood Elevation.

No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in the elevation of the one hundred (100) year flood.

§ 24-603 FE Areas.

No expansion or enlargement of an existing structure shall be allowed within any FE—Special Floodplain Area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation by more than one foot (1') at any point.

§ 24-604 Substantial Improvements.

Any substantial improvement to an existing structure within any identified floodplain area shall be undertaken only in full compliance with the provisions of this Chapter.

§ 24-605 Other Improvements.

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure within any identified floodplain area which does not constitute a substantial improvement shall be elevated and/or floodproofed to the greatest extent practical, *provided* that no such actions shall be required to the extent they increase the cost of the project by more than twenty percent (20%).

Article VII — Variances

§ 24-701 In General.

If a prospective builder, developer, or landowner ("Applicant") believes that compliance with any of the requirements of this Chapter would result in an exceptional hardship, the Applicant may request, and the Board may grant, a variance from the strict application of the requirements. Requests for a variance shall be considered by the Board in accordance with the procedures for an appeal from the Building Permit Officer under § 24-412 and the provisions of this Article VII. A complete record of all variance requests and related actions shall be maintained by the Borough, and a report of all variances granted during a year shall be included in the annual report to the Federal Insurance Administration.

§ 24-702 Minimum Standard for Variance.

The Board shall grant a variance under this Article VII only if the Applicant sustains his/her burden of proving, at a minimum, each of 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, or extraordinary public expense.

(d) That the granting of the variance will not create any nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local laws, regulations, or ordinances.

(e) That all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

(f) That the variance is not prohibited under any of the provisions of this Article VII.

§ 24-703 Increase in Flood Elevation.

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 (100) year flood elevation.

§ 24-704 FE Areas.

No variance shall be granted for any construction, development, use, or activity within any FE—Special Floodplain Area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation by more than one foot (1') at any point..

§ 24-705 Prohibited Activities.

No variance shall be granted to the prohibitions of § 24-507 (relating to prohibited activities).

§ 24-706 Dangerous Activities.

No variance shall be granted to the requirements of § 24-505 (relating to development which may endanger human life), other than a possible modification of the one and one-half foot (1.5') freeboard requirement of the regulatory flood elevation.

§ 24-707 Least Variance Necessary.

If granted, a variance shall involve only the least modification necessary to provide relief.

§ 24-708 Conditions.

In granting any variance, the Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

§ 24-709 Notification.

Whenever a variance is granted, the Borough shall notify the Applicant in writing that—

(a) The granting of the variance may result in increased premium rates for flood insurance; and

(b) Such variances may increase the risks to life and property.

Article VIII — Miscellaneous

§ 24-801 Effect of Other Borough Regulations.

This Chapter supersedes any conflicting provisions of any Borough ordinance which may be in effect in identified floodplain areas. However, any other provisions of any Borough ordinance shall remain in full force and effect to the extent that those provisions are more restrictive than those contained in this Chapter.

§ 24-802 Internal Conflicts.

If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.

§ 24-803 Severability.

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

§ 24-804 Warning.

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

§ 24-805 Disclaimer of Liability.

This Chapter shall not create any liability on the part of the Borough or any officer or employee of the Borough for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made under this Chapter.

Appendix

¶ 24-A Disposition of Ordinance 220.

Ordinance 220	1981 Code, as added by Ord. 389	2003 Codified Ordinances
Art. I, § 1	§ 68-102	§ 24-102
Art. II (intro)	deleted	deleted; *see* § 24-502(a)
Art. II, § 1	§ 68-303	§ 24-303
Art. II, § 2(a)	§ 68-203	§ 24-203
Art. II, § 2(b)	§ 68-207	§ 24-207
Art. II, § 2(3) [*sic*.; should be (c)]	§ 68-212	§ 24-212
Art. II, § 2(d)	§ 68-212	§ 24-212
Art. II, § 2(e)	§ 68-214	§ 24-214
Art. II, § 2(f)	§ 68-216	§ 24-216
Art. II, § 2(g)	§ 68-217	§ 24-217
Art. II, § 2(h)	§ 68-224	§ 24-224
Art. II, § 2(i)	§ 68-222	§ 24-222
Art. II, § 2(j)	§ 68-223	§ 24-223
Art. II, § 2(k)	deleted	deleted; *see* § 24-223
Art. II, § 2(l)	§ 68-226	§ 24-226
Art. II, § 2(m)	§ 68-227	§ 24-227
Art. II, § 2(n)	§ 68-229	§ 24-229
Art. II, § 2(o)	§ 68-230	§ 24-230
Art. II, § 2(p)	§ 68-231	§ 24-231
Art. III (intro)	§ 68-601	§ 24-601
Art. III, § 1	§ 68-604	§ 24-604
Art. IV (intro)	§ 68-703	§ 24-703
Art. IV, § 1	§ 68-707	§ 24-707

Ordinance 220	1981 Code, as added by Ord. 389	2003 Codified Ordinances
Art. IV, § 2	§ 68-709	§ 24-709
Art. IV, § 3	§ 68-702	§ 24-702
Art. IV, § 4	§ 68-701	§ 24-701
Art. IV (final sentence)	§ 68-702(E)	§ 24-702(e)
Art. V, § 1	§ 68-401(A)	§ 24-401(a)
Art. V, § 2 (intro), (a)-(g)	§ 68-402	§ 24-402
Art. V, § 2(h)	§ 68-404(B)	§ 24-404(b)
Art. V, § 2(i)	§ 68-404(E)	§ 24-404(e)
Art. V, § 3	deleted	deleted; *see* § 24-403
Art. V, § 4(a), (b)	§ 68-406(C)	§ 24-406(c)
Art. V, § 4(c)	§ 68-406(A)	§ 24-406(b)
Art. VI, § 1 (intro)	§ 68-504 (intro)	§ 24-504 (intro)
Art. VI, § 1(a)	§ 68-504(B)	§ 24-504(b)
Art. VI, § 1(b), (c)	§ 68-504(C)	§ 24-504(c)(1)
Art. VI, § 1(d)	§ 68-504(D)	§ 24-504(d)
Art. VI, § 1(e)	§ 68-504(G)	§ 24-504(g)
Art. VI, § 1(f)	§ 68-504(H)	§ 24-504(h)
Art. VI, § 1(g)(1)	§ 68-504(L)	§ 24-504(l)
Art. VI, § 1(g)(2), (3)	§ 68-504(K)	§ 24-504(k)
Art. VI, § 1(h)(1)	§ 68-504(L)	§ 24-504(l)
Art. VI, § 1(h)(2), (3)	§ 68-504(C)(3)	§ 24-504(c)(3)
Art. VI, § 1(h)(4)	§ 68-504(M)	§ 24-504(m)
Art. VII	§ 68-506	§ 24-506
Art. VIII	§ 68-301	§ 24-301
Art. IX (repealer)	deleted	deleted

¶ 24-B Disposition of 1981 Code, Chapter 68.

1981 Code, as added by Ord. 389	2003 Codified Ordinances
§ 68-xx	§ 24-xx

¶ 24-C Derivation of Former Unofficial Chapter 68 to 1981 Code.

In 1983, General Code Publishers Corp. printed an unofficial codification of Ordinance 220 to Chapter 68 of the 1981 Code. Borough Council never added Ordinance 220 to the 1981 Code, and did not formally adopt any of the numbering and stylistic changes made by General Code Publishers Corp. Council adopted a new Chapter 68 by Ordinance 389 in 2001.

A copy of the GCP unofficial Chapter 68 prior to Ordinance 389 is provided with the on-line and CD-ROM versions of the Codified Ordinances.

The provisions of the GCP unofficial Chapter 68 were derived from Ordinance 220 as follows:

Unofficial Chapter 68	Ordinance 220
§ 68-1	Art. I
§ 68-2	Art. II (intro)
§ 68-3	Art. II, § 1
§ 68-4	Art. II, § 2
§ 68-5	Art. III (intro)
§ 68-6	Art. III, § 1
§ 68-7	Art. IV
§ 68-8	Art. V
§ 68-9	Art. VI
§ 68-10	Art. VII
§ 68-11	Art. VIII

¶ 24-D Source Ordinances.

Ordinance 220	10-13-1982
Ordinance 389	10-31-2001
Ordinance 415	10-29-2003
Ordinance 518	03-12-2014