

Chapter 68

FLOOD DAMAGE PREVENTION

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 10-13-82 as Ord. No. 220, approved 10-13-82. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 12.  
Building construction — See Ch. 59.  
Subdivision and land development — See Ch. 113.  
Zoning — See Ch. 137.

- § 68-1. Legislative intent.

The intent of this chapter is to:

- A. Promote the general health, welfare and safety of the community.

- B. Encourage the utilization of appropriate construction practices to minimize flood damage in the future.
- C. Minimize danger to public health by protecting the water supply and natural drainage.
- D. Identify and accept the Flood Hazard Boundary Maps of the Borough of Alburdis, Community No. 420584B, as prepared and revised from time to time by the Federal Insurance Administration, attached hereto and made a part hereof.

**§ 68-2. Construction and development in flood hazard area restricted.**

There shall be no new residential or nonresidential construction or development from and after the effective date of this chapter within the flood hazard area as shown on the Flood Hazard Boundary Map, prepared by the Federal Insurance Administration, dated December 15, 1978.

**§ 68-3. Changes in area designations.**

The delineation of any of the identified flood-prone areas may be revised by the Borough of Alburdis where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, River Basin Commission, or another qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

**§ 68-4. Definitions.**

As used in this chapter, 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.

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

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

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

**FLOOD** — A temporary inundation of normally dry land areas.

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

**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.

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

**MOBILE HOME** — A transportable, single-family dwelling intended for permanent 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 un-

packing and assembly operations and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

**MOBILE HOME PARK** — A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

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

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

**PERSON** — Any person, persons, partnership, business or corporation.

**REGULATORY FLOOD ELEVATION** — The one-hundred-year flood elevation.

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

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

**§ 68-5. Changes or alteration of existing structures and uses.**

Any change or alteration of existing structures and land use occurring within the flood-prone area identified in copies of the Flood Hazard Boundary Maps, dated December 15, 1978, attached hereto and made a part of this chapter,<sup>1</sup> shall be governed by the provisions of the Zoning Ordinance of the Borough of Alburdis as from time to time amended, changed or codified.<sup>2</sup>

**§ 68-6. Nonconforming structures.**

Structures existing in any identified flood-prone area prior to the enactment of this chapter, but which are not in compliance with these provisions, may continue to remain, provided that any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of forty percent (40%) or more of its market value, shall be undertaken only in full compliance with the provisions of this chapter.

**§ 68-7. Variances.**

There shall be no variance granted for new residential or nonresidential construction within the flood-prone area.

- A. If granted, a variance shall involve only the modification necessary to provide relief.
- B. Whenever a variance is granted, the Borough of Alburdis shall notify the applicant, in writing, that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- C. In reviewing any request for a variance, the Borough of Alburdis shall consider but not be limited to the following:
  - (1) That there is good and sufficient cause.

<sup>1</sup> Editor's Note: The Flood Hazard Boundary Maps are on file in the office of the Borough Secretary.

<sup>2</sup> Editor's Note: See Ch. 137, Zoning.

- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, or create nuisances, cause fraud on or victimization of the public or conflict with any other applicable local or state ordinances and regulations.
- D. A complete record of all variance requests and related actions shall be maintained by the Borough of Alburdis. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- E. 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.

**§ 68-8. Building permits.**

- A. Special zoning/building permits shall be required before any proposed alteration of construction of an existing building is undertaken within any identified flood-prone area of the borough subject to the limitations set forth in Subsection C following.
- B. Application procedures. If any proposed construction or land development is to be located within or adjacent to any identified flood-prone area, applicants for zoning/building permits shall provide the following specific information:
- (1) Name and address of applicant.
  - (2) Name and address of the owner of land on which proposed construction is to occur.
  - (3) Name and address of the contractor.
  - (4) Site location.
  - (5) Proposed lower floor and basement elevations in relation to mean sea level.

- (6) Brief description of proposed work and estimated cost.
  - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
  - (8) A plan including existing and proposed contours; information concerning one-hundred-year-flood elevations, velocities and other applicable information, such as pressures, impact and uplift forces, associated with the one-hundred-year flood; size of structures; location and elevations of streets; water supply and sanitary sewage facilities; soil types; and flood-proofing measures, e.g., existing or proposed stream improvements or protective works.
  - (9) A document, certified by a registered professional engineer or architect, which states that the proposed alteration of previous construction has been adequately designed to withstand the one-hundred-year-flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic, and buoyancy factors associated with the one-hundred-year flood.
- C. The cost of alteration shall not exceed forty percent (40%) of the market value of the existing structure.
- D. Other permit issuance requirements.
- (1) Prior to any proposed alteration or relocation of any stream or any watercourse, etc., within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dam Safety, Obstructions and Stormwater Management, as specified in the Water Obstruction Act of 1913, as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.
  - (2) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the

channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

- (3) Prior to the issuance of any building permit, the Building Official shall review the application for the permit to determine if all other necessary governmental permits, such as those required by state and federal laws, have been obtained, including those required by Act No. 537, the Pennsylvania Sewerage Facilities Act,<sup>3</sup> and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. § 1334. No permit shall be issued until this determination has been made.

**§ 68-9. Design and construction standards.**

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

- A. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- B. Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- C. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and shall be located and constructed to minimize or eliminate flood damages.

<sup>3</sup> Editor's Note: See 35 P.S. § 750.1 et seq.



D. Utilities. All utilities, such as gas lines, electrical and telephone systems, being placed in flood-prone areas should be located, elevated, where possible, and constructed to minimize the change or impairment during a flood.

E. 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 floodwaters.

F. 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 and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

G. Electrical systems and components.

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

H. Plumbing.

- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.

- (2) On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum, all systems shall meet the requirements of Act No. 537, the Pennsylvania Sewage Facilities Act, as amended.
- (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.
- (4) 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.

**§ 68-10. Mobile homes.**

- A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
  - (1) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
  - (2) Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
  - (3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

- (1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the regulatory flood elevation.
  - (2) Adequate surface drainage is provided.
  - (3) Adequate access for a hauler is provided.
  - (4) Where pilings are used for elevation, the lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- C. An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the appropriate borough officials for mobile home parks and mobile home subdivisions.

**§ 68-11. Identification of flood-prone areas.**

The areas considered to be flood-prone within the borough shall be those areas identified as lying within the flood hazard area as shown on the Flood Hazard Boundary Map prepared by the Federal Insurance Administration, dated December 15, 1978, and from time to time adjusted or revised either by federal action or borough ordinance amendments.