

AMENDMENT TO
ORDINANCE NO. 62
WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA

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

1. ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS,
SECTION 3.00 Identification is hereby repealed.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS,
SECTION 3.00 Identification shall hereinafter
read as follows:

The identified floodplain areas shall be those areas of Washington Township, Westmoreland County, Pennsylvania, which are subject to the one hundred (100) year flood, as identified in a Flood Insurance Study (FIS) prepared for the Township of Washington by the Federal Emergency Management Agency (FEMA) dated August 16, 1992, or the most recent revision thereof.

2. ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS,
SECTION 3.01 Determination of the One Hundred (100)
year flood elevation is hereby repealed.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS,
SECTION 3.01 Description of floodplain areas shall
hereinafter read as follows:

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 Ordinance, 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 (100) 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 (100) year floodplain in those areas identified as an AE Zone i the Flood Insurance Study, 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 Flood Insurance Study.

C. FA (General Floodplain Area) - 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 municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

3. ARTICLE VII VARIANCES, SECTION 7.01 VARIANCE PROCEDURES AND CONDITIONS, SECTION A, is hereby repealed.

ARTICLE VII VARIANCES, SECTION 7.01 VARIANCE PROCEDURES AND CONDITIONS, SECTION A shall hereinafter read as follows:


A. 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.

4. ARTICLE VIII DEFINITIONS, SECTION 8.01 SPECIFIC DEFINITIONS, shall be supplemented to add the following:

U. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

1993. ENACTED AND ORDAINED into law this 10th day of June,

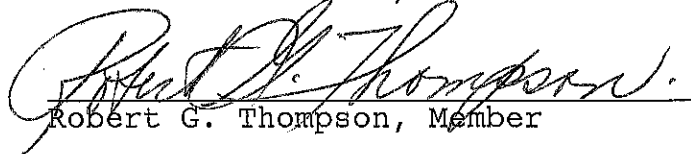
TOWNSHIP OF WASHINGTON



E. Scott Saul, Chairman

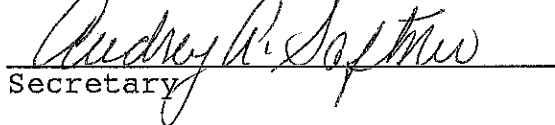


Herbert J. Coulter, Vice Chairman



Robert G. Thompson, Member

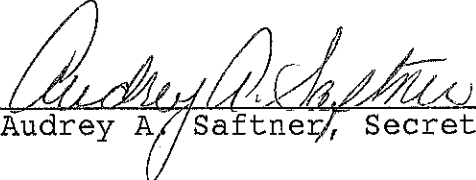
ATTEST:



Secretary

I, Audrey A. Saftner, duly qualified Secretary of the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Amendment to Ordinance No. 62 duly enacted by a majority vote of the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania at a regular meeting held June 10, 1993 at 7:00 P.M. and said Ordinance has been recorded in the Minutes of the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Township of Washington, Westmoreland County, Pennsylvania this 10th day of June, 1993.


Audrey A. Saftner, Secretary

(SEAL)

AMENDMENT TO
ORDINANCE NO. 62
WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA

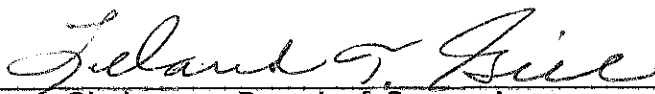
AMENDMENT TO AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS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

ARTICLE VIII DEFINITIONS, SECTION 8.01 Specific Definitions, Sub-Section Q is hereby repealed.

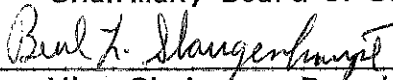
ARTICLE VIII DEFINITIONS, SECTION 8.01 Specific Definitions, Sub-Section Q shall hereinafter read as follows:

- Q. Structure - anything constructed or erected on the ground or attached to the ground or imbedded in the ground including, but not limited to, buildings, sheds, manufactured homes, swimming pools and other similar items.

ENACTED and ORDAINED into law this 10th day of August, 1989.



Chairman, Board of Supervisors



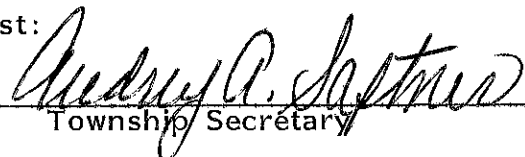
Vice Chairman, Board of Supervisors

ABSENT

Member, Board of Supervisors

(TOWNSHIP SEAL)

Attest:



Township Secretary

ORDINANCE NO. 62
WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA

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

WHEREAS, the Pennsylvania Flood Plain Management Act (Act 166) requires all flood-prone municipalities to participate in the National Flood Insurance Program (NFIP) and to enact flood plain management regulations that meet or exceed minimum Federal and State standards; and,

WHEREAS, the Supervisors of Washington Township, Westmoreland County, Pennsylvania desire to protect the property, health, safety and welfare of the residents of Washington Township and desire also to comply with the Federal and State requirements as aforesaid,

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I GENERAL PROVISIONS

SECTION 1.00 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare and safety of the community;
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;

- C. Minimize danger to public health by protecting water supply and natural drainage;
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding;
- E. Comply with federal and state flood plain management requirements.

SECTION 1.01 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 of Washington unless a Building Permit has been obtained from the Building Permit Officer;
- B. A Building Permit shall not be required for minor repairs to existing buildings or structures.

SECTION 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain 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 Ordinance, the more restrictive shall apply.

SECTION 1.03 Severability

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

SECTION 1.04 Warning and Disclaimer of Liability

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

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

ARTICLE II. ADMINISTRATION

SECTION 2.00. Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any area of the Township of Washington.

SECTION 2.01. Issuance of Building Permit

- A. 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;
- B. Prior to the issuance of any Building Permit, the Permit Officer shall obtain, review, and reasonably utilize base flood elevation and floodway data available from Federal, State or other sources to regulate construction in a flood-prone area. The Permit Officer shall also review the application for permit to determine if all other necessary governmental permits such as those required by Federal, State, County and municipal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913 and the Federal Water Pollution Control Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until these documents have been obtained.
- C. 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 of Washington and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dam and Waterway Management.

In addition, the Federal Emergency Management Agency (FEMA) and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township of Washington prior to any alteration or relocation of any watercourse.

SECTION 2.02 Application Procedures and Requirements

- A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township of Washington. Such application shall contain the following:
1. Name and address of applicant;
 2. Name and address of owner of land on which proposed construction is to occur;
 3. Name and address of contractor;
 4. Site location;
 5. Listing of other permits required;
 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.
- B. 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; and,
 - (3) adequate drainage is provided so as to reduce exposure to flood hazards.
- C. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants shall file the following minimum information plus any other pertinent information 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 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 site expressed in acres or square feet;
 - (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; and
 - (f) 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.
3. Plans of all proposed buildings, structures and other improvements, drawn at 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 (100) year flood;
 - (c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and
 - (d) detailed information concerning any proposed floodproofing measures.
4. The following data and documentation:
 - (a) detailed information needed to determine compliance with Section 4.01 F., Storage, and Section 4.02, Development Which May Endanger Human Life, Including:
 - (i) the amount, location and purpose of any dangerous materials or substances 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 Section 4.02 during a one hundred (100) year flood.
- (b) the appropriate component of the Department of Environmental Resources "Planning Module for Land Development."
- (c) 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) the elevation of the lowest floor (including basement) of new and substantially improved buildings or structures in all special flood hazard areas, said data and documentation to be maintained on file at the Township offices.

SECTION 2.03 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 may 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.

SECTION 2.04 Review of Application by Others

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

SECTION 2.05 Changes

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

SECTION 2.06 Placards

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

SECTION 2.07 Start of Construction

Work on the proposed construction and/or development shall be begun 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 for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

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.

SECTION 2.08 Inspection and Revocation

- A. 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 Township Laws and Ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. 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 Ordinance.
- C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.

D. A record of all such inspections and violations of this Ordinance shall be maintained.

SECTION 2.09 Fees

Applications for a building permit shall be accompanied by a fee, payable to the Township of Washington, based upon the estimated costs of the proposed construction as determined by the Building Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$ 0.00 to \$200.00	\$ 0.00
\$201.00 to \$1,000.00	5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	1.00

SECTION 2.10 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 Ordinance, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) 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 by any other method authorized or required by laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of a summary offense and, upon conviction, shall pay a fine to Washington Township of not less than

Twenty-five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance 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 Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in non-compliance with this Ordinance, may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

SECTION 2.11 Appeals

- A. Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance may appeal to the Board of Supervisors. 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 of Supervisors 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 of Supervisors may seek relief therefrom by appeal to court, as provided by the Laws of Commonwealth including the Pennsylvania Flood Plain Management Act.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

SECTION 3.00 Identification

The identified floodplain area shall be any area of the Township of Washington subject to the one hundred (100) year flood, which is identified as Zone A on the Flood Insurance Rate Map (FIRM) dated April 16, 1982 as issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

SECTION 3.01 Determination of the One Hundred (100) Year
Flood Elevation

For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. 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 municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

SECTION 3.02 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 Emergency Management Agency (FEMA).

SECTION 3.03 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.

ARTICLE IV GENERAL TECHNICAL REQUIREMENTS

SECTION 4.00 General

- A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

- B. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any residential structure shall be one and one-half ($1\frac{1}{2}$) feet or more above the one-hundred (100) year flood elevation.
- D. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half ($1\frac{1}{2}$) feet or more above the one-hundred (100) year flood elevation; or

together with attendant utility and sanitary facilities, shall:

- (i) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
- E. Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed 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), or some other equivalent standard.
 - F. Within any identified floodplain area, it is required, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- G. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 4.01 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, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
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 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, 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 Section 4.02, 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 Regulator 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 used at or below the regulatory flood regulation (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. Mechanical and Utility Equipment

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and their service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall not be located below Regulatory Flood Elevation.

M. Fuel Supply Systems

1. 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.

SECTION 4.02 Development Which May Endanger Human Life

- A. Within any identified floodplain area, it shall be prohibited to construct or substantially improve a 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 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.

The following list of 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.

SECTION 4.03 Special Requirements for Manufactured Homes

- A. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
1. Elevated and anchored to a permanent foundation to resist flotation, collapse or lateral movement by using standards such as over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones, or other appropriate standards such as the following:
 - a. over-the-top ties shall be provided at each of the four (4) corners of the manufactured 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.
 - b. frame ties shall be provided at each corner of the manufactured 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.
 - c. all components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.
 2. In lieu of over-the-top and frame ties, manufactured homes may be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local requirements for resisting wind forces. Other anchoring techniques which are set forth in FEMA'S Manual "Manufactured Home Installation in Flood Hazard Areas", as published in September, 1985 and as may from time to time be republished, may be used.

3. elevated in accordance with the following requirements:
 - a. the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be one and one-half ($1\frac{1}{2}$) feet or more above the elevation of the one hundred (100) year flood.
 - b. adequate surface drainage is provided.
 - c. adequate access for a hauler is provided.
 - d. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks or subdivisions.

ARTICLE V ACTIVITIES PROHIBITED IN FLOODPLAIN AREA

Section 5.00 General

The following activities shall be prohibited within any identified floodplain area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 1. hospitals
 2. nursing homes
 3. jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or subdivision or substantial improvement to an existing manufactured home park or subdivision.

ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

SECTION 6.00 General

Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue to remain, provided that:

- A. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50%) per cent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) per cent, but more than twenty-five (25%) per cent of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VII. VARIANCES

SECTION 7.00 General

If compliance with any of the requirements of this Ordinance 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.

SECTION 7.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.11 and the following:

- A. No variance shall be granted for any of the activities prohibited in the floodplain area by Section 5.00 and Section 4.02, nor shall any variance be granted for any construction, development, use or activity within any floodplain area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- B. If granted, a variance shall involve only the least modification necessary to provide relief.
- C. 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 Ordinance.
- D. Whenever a variance is granted, the Township shall notify the applicant in writing that:

1. the granting of the variance may result in increased premium rates for flood insurance.
 2. such variances may increase the risks to life and property.
- E. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
1. that there is good and sufficient cause.
 2. that failure to grant the variance would result in exceptional hardship to the applicant.
 3. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- F. 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.

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

ARTICLE VIII DEFINITIONS

SECTION 8.00 General

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

SECTION 8.01 Specific Definitions

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

- D. Construction - the construction, reconstruction, substantial improvement, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured home.
- E. Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
- F. Flood - a temporary inundation of normally dry land areas.
- G. 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.
- H. Flood-proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- I. Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- J. 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, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- K. Manufactured home - 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 connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- L. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- M. 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 floodplain 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.
- N. One hundred year flood - a flood that, on the average, is likely to occur once every one-hundred (100) years (i.e. that has one (1%) per cent chance of occurring each year, although the flood may occur in any year.)
- O. Regulatory flood elevation - the one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half ($1\frac{1}{2}$) feet.
- P. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home park or subdivision and substantial improvements to such existing manufactured home park or subdivision when such development is located partly or entirely within a designated floodplain.
- Q. 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.
- R. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that

the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

S. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

T. Township - The Township of Washington, Westmoreland County, Pennsylvania.

ARTICLE IX REPEALER

SECTION 9.00 Inconsistent Ordinance

Any Ordinance or part of Ordinances, conflicting with the provisions of this Ordinance, be and the same is hereby repealed insofar as the same affects this Ordinance.

ORDAINED AND ENACTED into law this 9th day of April 1987.

ABSENT

Chairman, Board of Supervisors

Richard G. Rice

Vice Chairman, Board of Supervisors

H. Rugh Jolley

Member, Board of Supervisors

(TOWNSHIP SEAL)

Attest:

Audrey A. Saphire

Township Secretary