

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 BOROUGH 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.

BE IT ENACTED AND ORDAINED BY THE BOROUGH OF BENTLEYVILLE, Washington 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 floodplain 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 Borough unless a Permit has been obtained from the Permit Officer.
- B. A 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 the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1.04 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 for 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 flood damages.

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

Section 2.00 Permits Required

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

Section 2.01 Issuance of Permit

- A. The Permit Officer shall issue a 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 Permit the Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, No permit shall be issued until this determination has been made.
- 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 Borough and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

Section 2.02 Application Procedures and Requirements

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

B. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 5.01) as may be required by the Permit Officer to make the above determination:

1. A completed Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one-hundred (100) feet or less, showing the following:
 - (a) north arrow, scale, and date;
 - (b) topographic contour lines, if available;
 - (c) all property and lot lines including dimensions and the size of the 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 documentation:
 - (a) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.

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

- (b) detailed information needed to determine compliance with section 4.01 R., Storage and Section 4.02, Development Which May Endanger Human Life, including;
 - i) the amount, location and purpose of any 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.
- (c) the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."
- (d) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

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 shall be submitted by the Permit Officer to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the 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 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 permit by the 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 Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Permit Officer for consideration.

Section 2.06 Placards

In addition to the permit, the 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 permit, the date of its issuance and be signed by the Permit Officer.

Section 2.07 Start Construction

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

Section 2.08 Inspection and Revocation

A. During the Construction period, the 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 Borough 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 Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the 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 Permit Officer shall revoke the permit and report such fact to Council 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 permit shall be accompanied by a fee, payable to the Borough based upon the estimated cost of the proposed construction as determined by the Permit Officer at the following rates:

The rates shall be the same as provided for in Ordinance No. 316, as amended, adopted September 5, 1975.

Section 2.10 Enforcement

A. Notices

Whenever the 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 regulations adopted pursuant thereto, the 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 with such notice by any other method authorized or required by the 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 Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) 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 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 Council to be a public nuisance and abatable as such.

Section 2.11 Appeals

- A Any person aggrieved by an action or decision of the Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Permit Officer.
- B. Upon receipt of such appeal the Council 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 Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including The Pennsylvania Flood Plain Management Act.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Designation of Floodplain Areas

For the purposes of this Ordinance, the areas considered to be floodplain within the Borough shall be those areas identified as being subject to the one-hundred (100) year flood in the Flood Insurance Study prepared for the Borough by the Federal Emergency Management Agency Dated January, 1986.

A map showing all areas considered to be subject to the one-hundred (100) year flood is available for inspection at the Borough office. For the purposes of this Ordinance, the following nomenclature is used in referring to the various kinds of floodplain areas:

FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA.

FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FEMA.

- A. The FW (Floodway Area) is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must 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. The areas included in this area are specifically defined in the Floodway Data Table contained in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
- B. The FF (Flood-Fringe Area) shall be that area of the 100 year floodplain not included in the Floodway. The basis for the outermost boundary of this District shall be the one-hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

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. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:

- A. Corps of Engineers - Flood Plain Information Reports
- B. U. S. Geological Survey - Flood Prone Quadrangles
- C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or F.L. 566 Flood Information.

D. Pennsylvania Department of Environmental Resources -
Flood Control Investigations

E. Known Highwater Marks from Past Floods

F. Other Sources

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 Borough.

Section 3.02 Changes in Identification of Area

The identified floodplain area may be revised or modified by the 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).

Section 3.03 Boundary Disputes

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

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, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
- 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

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

- D. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- E. Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this Article. Additional information may be obtained from the publication entitled "Flood-Proofing Regulation" (U. S. Army Corps of Engineers, June 1972). or other equivalent information.

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, and approved by the Permit Officer; and,
5. be used to the extent to which it does not adversely affect adjacent properties.

Section 4.01a Special Floodway and Stream Setback Requirements

A. Within any FW(Floodway Area), the following provisions apply:

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 Department of Environmental Resources, Bureau of Dams and Waterway Management.

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 an 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 of 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 accomodate 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

J. Paints and adhesives

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

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the 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 4.01b Elevation and Floodproofing Requirements

A. Residential Structures

Within any FW,FF, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one-half (1 1/2) feet above the one-hundred (100) year flood elevation.

B. Non-residential Structures

1. Within any FW,FF, the lowest floor (including basement) of any new or substantially improved non-residential structure shall be at least one and one-half (1 1/2) feet above the one-hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that point.

2. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

Section 4.02 Development Which May Endanger Human Life

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The 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.

- B. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one-hundred (100) year flood and,
2. designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Section 4.03 Special Requirements for Mobile Homes

- A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top of bank of any watercourse.
- B. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:
 1. anchored to resist floatation, collapse, or lateral movement by providing 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 A11 9.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
 - a. Over-the-top ties shall be provided as each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (5) 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 mobile home, with five (5) additional ties per side at intermediate locations for units 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. 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 mobile home will be one and one-half (1 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.
- C. an evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks.
- A. Within any FW (Floodway Area), mobile homes shall be prohibited.

ARTICLE V ACTIVITIES REQUIRING SPECIAL PERMITS

Section 5.00 General

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within fifty (50) feet of any identified floodplain area, the previous provisions of this Ordinance notwithstanding.

- 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 mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home 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) percent 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) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

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 Borough 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 Borough in accordance with the procedures contained in Section 2.11 and the following:

- A. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development Which May Endanger Human Life (Section 4.02).
- B. If granted, a variance shall involve only the least modification necessary to provide relief.
- C. In granting any variance, the Borough 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 Borough 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 of life and property.
- E. In reviewing any request for a variance, the Borough 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 Borough 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.

- G. 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.

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 of 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. 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.
- C. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.
- D. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling grading, excavation, mining, dredging or drilling operations.
- E. Flood - a temporary inundation of normally dry land areas.
- F. 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.
- G. Flood-Proofing - mean 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.
- H. Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- I. Mobile home- means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without

a permanent foundation. The term does not include recreational vehicles or travel trailers.

- J.. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.
- K. 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.
- L. 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) percent chance of occurring each year, although the flood may occur in any year).
- M. Regulatory flood elevation - the one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.
- N. 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.
- O. 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.
- P. Substantial Improvement - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent 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.
- Q. Permit Officer - zoning officer as defined in the Azoning Ordinance and as amended.

BE IT ORDAINED AND ENACTED, this 3rd day of June,
1986.

BOROUGH OF BENTLEYVILLE

ATTEST:

WASHINGTON COUNTY, PENNSYLVANIA

Sera Greenfield
Secretary

Joseph L. Gao Jr.
President of Council

EXAMINED AND APPROVED BY ME THIS 3rd day of June,
1986.

ATTEST:

Sera Greenfield
Secretary

Gaul Amer.
Mayor

(Seal)