

Ordinance 102

Ordinance Regulating Construction or Development In Areas Subject To Flooding

102.1 DEFINITIONS

Definitions of words in this Ordinance are listed alphabetically in the Definitions Dictionary located at the beginning of the combined Ordinances of Delaware Township. These definitions are an integral part of the Ordinances of Delaware Township, which are incomplete without them.

102.2 APPLICABILITY

It shall be unlawful for any person to undertake, or cause to be undertaken, any construction or development anywhere within the Township, unless an approved building permit has been obtained from the Building Inspector.

102.3 SUPERCESSION

This Ordinance shall supercede any conflicting provisions in any other ordinances.

102.4 IDENTIFICATION OF FLOODPLAIN AREA

The identified floodplain area is any area of the Township subject to inundation by a one hundred (100) year flood that is identified as a special flood hazard area on the Flood Insurance Rate Map (FIRM) dated December 4, 1985, or the most recent revision thereto, issued by the Federal Emergency Management Agency (FEMA).

102.5 REVISION OF FLOODPLAIN AREA

The delineation of the floodplain area may be revised by the Board of Supervisors where natural or manmade changes have occurred, or where detailed studies conducted by the U.S. Army Corps of Engineers, the River Basin Commission, or other qualified agency or individual document the basis for such a change. However, prior to any revision, approval must be obtained from the Federal Insurance Administration.

102.6 CONSTRUCTION OR DEVELOPMENT IN FLOODPLAIN AREA

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

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
2. All utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

B. Application for a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following: Name and address of Applicant; Name and address of owner of the land on which proposed construction is to occur; name and address of contractor; site location; and a list of other permits required. The application for subdivision approval or a building permit for construction or development in a floodplain area (either entirely or partially, must be accompanied by four (4) sets of Items 1 -6, below and in the event that a special permit is requested (See 102.16), the application must be accompanied by six (6) sets:

1. A plan of the entire site, drawn at a scale of one (1) inch to one hundred (100) feet or less, showing or including the following:

- a. North arrow, scale, and date.
- b. A location map showing the vicinity in which the proposed construction or development is to be located.
- c. A topographical map based upon the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of two feet (2').
- d. All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.
- e. The location of all existing streets, drives, and other accessways with information about widths, pavement types and construction, and elevations.
- f. The location of any existing bodies of water or watercourses, structures, and other public or private facilities, and any other natural or manmade features affecting or affected by the proposed construction or development.
- g. The location of the identified floodplain area boundary line, information about and spot elevations of a one hundred (100) year flood, and information about the flow of water, including direction and velocities.
- h. A general plan of the entire site accurately showing the location of all structures and other improvements, including the location of any existing or proposed subdivision and land development.

2. Plans of all structures and other improvements, drawn at suitable scale and showing or including the following:

- a. Detailed architectural or engineering drawings with building sizes, floor plans, sections, and exterior building elevations as appropriate.
- b. The lowest flood elevations of an building based upon National Geodetic Vertical Datum of 1929.
- c. Complete information about flooding depths, pressures, velocities, and impact and uplift forces, and other factors associated with a one hundred (100) year flood.
- d. Detailed information about proposed floodproofing measures.
- e. Cross section drawings for all streets, drives and other accessways and parking areas showing all rights of way and pavement widths.

f. Profile drawings for all streets, drives, and vehicular accessways, including existing and proposed grades.

g. Plans and profiles of all sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

h. Soil types.

3. Certification by a registered professional engineer or architect that states that the proposed construction has been adequately designed to withstand one hundred (100) year flood elevations, pressures, velocities, and impact and uplift forces, and other hydrostatic, hydrodynamic, and buoyancy factors associated with a one hundred (100) year flood. The certification shall also include a description of the type and extent of floodproofing measures that have been incorporated into the design of the structure(s) and the development.

4. Detailed information needed to determine compliance with "Storage and Development Which May Endanger Human Life," including:

a. The quantity, location, and purpose of any materials or substances referred to in Sections 102.12.G and 102.13, below, that are intended to be used, produced, stored, or otherwise maintained on the site.

b. For any proposed structure regulated under Section 102.13, below, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above-mentioned materials or substances during a one hundred (100) year flood.

5. The appropriate component of the Department of Environment Protection "Planning Module for Land Development."

6. Where any excavation or grading is proposed, a plan to implement and maintain erosion and sedimentation control that meets the requirements of the Department of Environmental Resources.

102.7 ISSUANCE OF BUILDING PERMIT

- A. No building permit may be issued until the Building Permit Officer has determined that all other necessary permits have been obtained. These include, but are not limited to, the permits required by Act 537, the Pennsylvania Sewage Facilities Act the Dam Safety and Encroachments Act the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334 and the Pennsylvania Clean Streams Act.
- B. 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.
- C. 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.
- D. 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 the issuance of the Building Permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the

installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

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.

102.8 REVIEW OF APPLICATIONS

Applications for building permits or subdivision approval in an identified floodplain area shall be reviewed by the Zoning Officer, the Building Inspector, and the Sewage Enforcement Officer. They may submit copies of applications and supporting documentation to the Country Conservation District or any other appropriate agency and/or individual for review and comments to assist them in their review.

102.9 DETERMINATION OF REGULATORY FLOOD ELEVATION

A. When available, information from Federal, State, or other acceptable sources shall be used to determine the one (100) hundred-year flood elevation, as well as floodway elevation, if possible. When no other information is available, the one (100) hundred year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in questions.

B. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical methods. The certification, the result of the analysis, and supporting documentation shall be submitted to the Township for review and approval.

102.10 BOUNDARY DISPUTES

Disputes about identified floodplain boundaries shall be resolved by the Planning Commission. Any party aggrieved by its decision may appeal to the Board of Supervisors. The burden of proof is on the appellant.

102.11 GENERAL STANDARDS FOR IDENTIFIED FLOODPLAIN AREAS

A. The development or use of any land in an identified floodplain area shall be permitted only if it conforms with the provisions and requirements of this Ordinance and any other applicable ordinances.

B. The Township shall obtain, review, and use whenever reasonable to do so any base flooding elevation and floodway data available from a Federal, State, or other source as criteria for the standards included herein.

C. No new construction or development shall be located within an area measured one hundred feet (100') landward from the top-of-bank of any watercourse.

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

E. Any new construction, development, or substantial improvement which would cause any increase in flood heights shall be prohibited within any floodway area.

F. The elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1-1/2) feet or more above the one hundred (100) year flood elevation or the structure shall be flood-proofed up to that height. Any non-residential structure, or part thereof (including attendant utility and sanitary facilities), that will not completely or adequately elevated, shall be flood-proofed in accordance with the provisions of this Ordinance. This shall include, but not be limited to, the following:

1. The structure shall be watertight below the base flood elevation, with walls substantially impermeable to the passage of water.
2. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. All plans and specifications for flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with accepted flood-proofing standards of practice required by this Ordinance.

Any non-residential structure, or part thereof, that will be built below the Regulatory Flood Elevations, shall be flood-proofed in a completely, or essentially dry manner in accordance with the standards contained in the publication "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers, (June, 1972, as amended March 1992), or with some other equivalent standard.

G. The elevation of the lowest floor (including basement) or any new or substantially improved residential structure shall be one and one-half feet (1-1/2') or more above the one hundred (100) year flood elevation.

H. Enclosed areas below the lowest floor (including basement) are prohibited.

102.12 MINIMUM DESIGN AND CONSTRUCTION STANDARDS IN IDENTIFIED FLOODPLAIN AREAS.

A. Fill

Fill must:

1. Extend laterally at least fifteen feet (15') beyond the building line from all points.
2. Consist of soil or small rock materials only (sanitary landfills are not 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 Inspector and the Sewage Enforcement Officer.
5. Be used only to the extent to which it does not adversely affect adjacent properties.

B. Drainage facilities. Storm drainage facilities must be designed to carry storm water runoff safely and efficiently. The system must insure proper drainage along streets, provide positive drainage away from buildings, and prevent the discharge of excess runoff onto adjacent properties.

C. 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 and/or located so as to prevent infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed so as to prevent flood damage.

D. Water facilities. All new or replacement water facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during a flood, and shall be constructed so as to prevent flood damage.

E. Streets. The finished elevation of new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Utilities. All utilities, such as oil and gas lines electrical, heating, ventilation, plumbing, telephone, and air-conditioning equipment and other service facilities and equipment shall be designed and/or located so as to prevent water from entering or accumulating within the components during a flood.

G. Storage. All materials that are buoyant, flammable, or explosive, or that in times of flooding could be injurious to human, animal, or plant life, and not listed in section 102.13, Standards to Protect Human Life in Floodplain Areas," must be stored at or above the Regulatory Flood Elevation or flood-proofed to the maximum extent possible.

H. Placement of structures. All structures must be designed, located, and constructed so as to offer minimal obstruction to the flow of water and to have a minimal effect upon the height of flood water.

I. Anchoring.

1. All structures must 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 similar objects or components located below the Regulatory Flood Elevation must be securely anchored to prevent flotation.

J. Floors, walls, and ceilings.

1. Wood flooring used at or below the Regulatory Flood Elevation must 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 must be a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation must 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 must be made of metal or other water-resistant material.

K. Paints and adhesives.

1. Paints and other finishes and adhesives used at or below the Regulatory Flood Elevation must be of "marine" or "water-resistant" quality.

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

L. Electrical systems and components.

1. Electrical water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

2. Electrical distribution panels must be at least three feet (3') above the Regulatory Flood Elevation.

3. Lower levels must be served by separate electrical circuits, which must be dropped from above.

M. Plumbing.

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

2. No part of any on-site sewage disposal system shall be located within any identified floodplain area.

3. Water supply systems and sanitary sewage systems must be designed to prevent the infiltration of flood waters into the system and discharges from the system into the flood waters.

4. All gas and oil supply systems must be designed to prevent the infiltration of flood waters into the system and discharges from the system into the flood waters. Additional provisions must be made for the drainage of these systems in the event that flood water infiltration occurs.

102.13 STANDARDS TO PROTECT HUMAN LIFE IN IDENTIFIED

FLOODPLAIN AREAS

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

Within any floodway area, any structure of the kind described in Subsection A, above, shall be prohibited.

B. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Section A, above, must be:

1. Elevated or designed and constructed to remain completely dry up to at last one and one-half (1-1/2) feet above the one hundred (100) year flood level.

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 flood-proofed in a completely or essentially dry manner in accordance with the standards contained in the publication "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers, (June, 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

102.14 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES

A. Where permitted within any identified floodplain area, all manufactured homes and additions thereto must be anchored to resist flotation, 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 A119.3-1975) as amended for Mobile Homes in Hurricane zones, or other appropriate standards such as the following:

1. Over-the-top ties at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more long and one (1) additional tie per side for units less than fifty feet (50') long.

2. Frame ties at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more long, and four (4) additional ties per side for units less than fifty (50) feet long.

3. All components of the anchoring system capable of carrying a force of four thousand eight hundred (4800) pounds.

B. All manufactured homes and any additions thereto must be elevated in accordance with the following requirements:

1. Stands or lots must be elevated on compacted fill or on pilings so the the lowest floor of the manufactured home will be at or above the Regulatory Flood Elevation. Where pilings are used for elevation, the lots must be large enough to permit steps piling foundations must be

placed no more than ten feet (10') apart in stable soil and reinforcement must be provided for the pilings that extend six feet (6') or more above ground level.

2. The manufactured home must be elevated on a permanent foundation so that the lowest floor of the manufactured home will be at or above the Regulatory Flood Elevation.

3. Adequate surface drainage must be provided.

4. Adequate access for a hauler must be provided.

C. Owners of manufactured home parks must file an evacuation plan indicating vehicular access and escape routes with the Board of Supervisors and the Civil Defense Director of the Township.

102.15 ACTIVITIES FOR WHICH A SPECIAL PERMIT IS NEEDED

The Department of Community Affairs regulations implementing the Pennsylvania Floodplain Management Act (Act 1978-166) require that a special permit be obtained in order to build the following, entirely or partially, within a floodplain area:

1. Hospitals (public or private)
2. Nursing homes (public or private)
3. Jails or prisons
4. New, or substantial improvements to existing, manufactured home parks and manufactured home subdivisions.

102.16 APPLICATION FOR SPECIAL PERMIT

A. Special permits must be applied for in writing in the form required by the Board of Supervisors, and must include as a minimum the information required in Section 102.6 above.

B. The application must also be accompanied by the following:

1. Certification by the applicant that the proposed site is an existing and single parcel owned by the applicant.
2. Certification from a registered professional engineer or architect that the proposed construction has been adequately designed to protect against damage from a one hundred (100) year flood.
3. Certification from a registered professional engineer, architect, or other qualified person that contains a complete and accurate description of the nature and extent of pollution that might occur from the development during the course of a one hundred (100) year flood, including a statement about the effects such pollution might have on human life.
4. Certification from a registered professional engineer that includes a complete and accurate description of the effects that the proposed development will have on one hundred (100) year flood elevations and flows.
5. Certification from a registered professional engineer or architect that includes a complete and accurate description of the kinds and amounts or any loose, buoyant materials or debris that might exist or be located on the site below the one hundred (100) year flood elevation, and the effects that such materials and debris might have on one hundred (100) year flood elevations and flows.
6. An evacuation plan that fully explains the manner in which the site will be safely evacuate before or during the course of a one hundred (100) year flood.

7. 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.

102.17 PROCEDURE FOR REVIEW OF APPLICATION

A. Six (6) copies of the application and supporting documentation must be submitted to the Planning Commission at a regularly scheduled meeting. The Planning Commission, in conjunction with the Township Engineer, the Zoning Officer, the Sewage Enforcement Officer, and the Building Inspector, will review the application and, within forty-five (45) days from the date of submission (unless extended in writing by the applicant), will transmit the application, together with its recommendation, to the Board of Supervisors. If an application is incomplete, the Planning Commission will note the deficiencies in writing and return it to the applicant.

B. The Board of Supervisors shall review and act on applications within forty-five (45) days of their receipt from the Planning Commission.

1. Applicants must be informed in writing of the reasons for disapproval.

2. Written notice of approval, together with a copy of the application and supporting documents, must be sent to the Department of Community Affairs by registered or certified mail with five (5) days after the date of approval.

3. Special permits will not be issued until thirty (30) days after the Department of Community Affairs has received notification of approval.

a. If the Township does not receive any response from the Department within the thirty (30) day period, then the special permit will be issued.

b. The Department must notify the Township and the applicant in writing of its decision to disapprove an application, including its reasons for doing so, in which event the Township will not issue the special permit.

102.18 MINIMUM TECHNICAL REQUIREMENTS FOR SPECIAL PERMIT ACTIVITIES

A. In addition to the other requirements of this Ordinance, the following minimal requirements apply to any development requiring a special permit. If there is any conflict between any of these requirements and those elsewhere in this Ordinance or in any other code, ordinance, or regulation, the more restrictive requirement shall apply.

B. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner that will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures must be designed, located, and constructed so that:

a. They will survive inundation by waters of a one hundred (100) year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the Regulatory Flood Elevation.

b. The first floor elevation will be at least one and one-half feet (1-1/2') above the Regulatory Flood Elevation.

c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during a one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels of flows, or debris endangering life and property

102.19 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Structures existing in any identified floodplain area prior to the enactment of this Ordinance, but that are not in compliance with its provisions, may remain in their present condition. However, any modification of any kind to such a structure costing fifty percent (50%) or more of the structure's fair market value shall be undertaken only in full compliance with the provisions of this Ordinance.

102.20 VARIANCES

A. If compliance with any requirement of this Ordinance would result in an exceptional hardship, the Township may, upon application, grant relief from the strict enforcement of the requirement. Except for a modification or the one and one-half foot (1-1/2') freeboard, no variance will be granted for any of the requirements found in Section 102.13, "STANDARDS TO PROTECT HUMAN LIFE IN IDENTIFIED FLOODPLAIN AREA," and Section 102.15, "ACTIVITIES FOR WHICH A SPECIAL PERMIT IS NECESSARY," above.

B. Applications for variances must be submitted to the Board of Supervisors, which shall conduct a hearing within forty-five (45) days of the receipt of an application.

1. Notice of the hearing shall be published in a newspaper of general circulation in the Township once a week for two (2) consecutive weeks not more than thirty (30) nor less than fourteen (14) days prior to the date of the hearing. The notice shall set forth the time, date, and place of the hearing and a brief description of the relief requested.

2. Notice including the information mentioned above shall also be given to the applicant in writing by certified or registered mail at least fourteen (14) days prior to the date of the hearing.

3. The Board shall render a decision in writing within thirty (30) days of the date of the hearing, setting forth the reasons for its decision. If the variance is granted, the decision must be accompanied by a notice to the applicant that the granting of the variance may result in increased premium rates for flood insurance, and that it may increase the risk to life and property. Notice of the decision shall be mailed by registered or certified mail to the applicant and to any other interested party who appears of record within five (5) days of the decision.

C. In reviewing an application for a variance, the Board shall consider the following minimal factors:

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:
 - a. Will result in neither an unacceptable or prohibited increase in flood heights, nor additional threats to public safety, nor extraordinary public expense and
 - b. Will not create nuisances, cause fraud, or victimize the public and

c. Will not conflict with any other applicable State or local ordinances and regulations.

4. That no variance shall be granted for any construction, development, use, or activity within any floodway area that would, together, with all other existing and anticipated development, increase cause any increase in the one hundred (100) year flood elevation.

D. If the Board decides to grant a variance, only the minimal modification necessary to provide relief shall be granted, and the Board shall attach whatever conditions and safeguards it considers necessary to protect the public health, safety, and welfare.

E. No variance shall 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.

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.

G. No variance shall be granted that would result in the failure of a structure to be capable of resisting a one hundred (100) year flood.

H. A complete record of all variance requests and related action 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.

I. Whenever a variance is granted, the Township shall notify the applicant in writing that the granting of the variance may result in increased premium rates for flood insurance and that such variances may increase the risks to life and property.

102.21 ENCROACHMENTS

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

102.22 WARNING AND DISCLAIMER OF LIABILITY

A. The degree of flood protection sought by the provisions of this Ordinance is based of acceptable engineering methods and is considered reasonable for regulatory purposes. However, greater than anticipated floods may occur on rare occasions flood heights may be increased by manmade or natural causes. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within any area, will be free from flooding or flood damage.

B. This Ordinance shall not create liability on the part of the of the Township or any officer or employee of the Township for any flood damage that results from reliance on this Ordinance or for any administrative decision lawfully made thereunder.

102.23 ENFORCEMENT AND PENALTIES

Whenever the Building Permit Officer or other authorized township 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 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 reason of 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 orders 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.

Any person who violates any provision of this Ordinance or who resists or interferes with any officers, agents, or employees of the Township who, in accordance with the provisions of this Ordinance, are in the performance of their duty, shall, upon the conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than six hundred dollars (\$600), or, in default of payment of the fine, shall be imprisoned for not more than thirty (30) days. Each day's continuance of each violation shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid to Delaware Township. See Ordinance 208.

102.24 APPEALS

Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provision of this Ordinance, may appeal to the Delaware Township Board of Supervisors. Such appeal must be filed, in writing, within thirty -days (30) after the decision, determination or action of the Building Permit Officer.

Upon receipt of such appeal the Delaware Township 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.

Any person aggrieved by any decision of the Delaware Township Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

102.25 FEES

Applications for a building permit shall be accompanied by a fee, payable to Delaware Township, and based upon a fee schedule determined and adopted by the Delaware Township Board of Supervisors.

If any section, clause, paragraph, regulation, or provision of this Ordinance is found invalid by a court or proper jurisdiction, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance, but only the provision found invalid by the court.

This Ordinance shall become effective five (5) days from the date of enactment, and shall remain in force until modified, amended, or rescinded by the Delaware Township Board of Supervisors, Pike County, Pennsylvania.

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