

SOUTH BEAVER TOWNSHIP

ORDINANCE NO. 35

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, OF BEAVER COUNTY, PENNSYLVANIA, REQUIRING PROCUREMENT OF A BUILDING PERMIT PRIOR TO THE ERECTION OF A BUILDING OR STRUCTURE, ALTERATION OR REMODELING OF THE EXTERIOR OF AN EXISTING BUILDING OR STRUCTURE AT ANY LOCATION WITHIN THE TOWNSHIP; AND REQUIRING PROCUREMENT OF A FLOOD PLAIN PERMIT OR A SPECIAL FLOOD PLAIN PERMIT AS TO ANY DEVELOPMENT, SUBSTANTIAL IMPROVEMENT, CONSTRUCTION, USE OR ACTIVITY IN ANY IDENTIFIED FLOOD PLAIN OR FLOOD PRONE AREA WITHIN THE TOWNSHIP; INCLUDING MINIMUM STANDARDS AND SPECIFICATIONS AS TO DEVELOPMENT, AND/OR THE PROHIBITION OF CERTAIN ACTIVITIES; REQUIRING COMPLIANCE WITH ANY RELATED AND APPLICABLE LAW, REGULATION AND/OR ORDINANCE OF THE COMMONWEALTH OF PENNSYLVANIA AND THE TOWNSHIP AS TO ANY DEVELOPMENT WITHIN THE TOWNSHIP; AND PROVISION FOR PENALTY FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Supervisors of South Beaver Township, of Beaver County, Pennsylvania, under and by virtue of the authority of the Second Class Township Code, the Pennsylvania Municipalities Planning Code, the Pennsylvania Flood Plain Management Act and related laws and regulations, the following:

ARTICLE I. BUILDING PERMIT

Section 101. No excavation for a foundation, nor erection of a new building or structure having a floor or ground coverage area of more than one hundred seventy-five (175) square feet and a height of ten (10) feet; nor placement of building materials at a site for a larger building or structure; nor placement of a mobile home, modular home or pre-fab home or structure in excess of said size; nor alteration or remodeling of the exterior of an existing building which changes the structural shape and/or appearance of same, shall be commenced or occur upon any land, public or private, including but not limited to streets or roads, until a Building Permit shall be issued therefor by the Township of South Beaver.

Section 102. An application for a Building Permit shall be made on a form as

prescribed and required by the Supervisors of the Township of South Beaver, and is to be submitted in duplicate, together with a fee in accordance with a Fee Schedule adopted and set by Resolution of the Township Supervisors from time to time. Such application shall be completed by the applicant as required to sufficiently describe the contemplated building or structure to be erected, altered and/or remodeled; the estimated costs thereof; and be signed by the applicant, certifying that the proposed details set forth therein are in or will be in compliance with all laws, regulations of the Commonwealth of Pennsylvania and/or the Township of South Beaver. A lot or land plan, or drawing, sufficient to show and identify the location of a proposed new building or structure, or addition/change in an existing structure, relative to boundary lines of the land upon which the building will be or is situate, along with identification of any other structures or buildings already existing on said lands, and a statement of any private restrictions that may be applicable to the applicant's lands shall be submitted by the applicant together with said application.

A. An application for a Building Permit shall be reviewed by the Supervisors of South Beaver Township and either be granted preliminary approval, final approval or be denied within ninety (90) days following the first general public meeting of the Supervisors held after receipt of the application and required fee.

1. The decision of preliminary approval, final approval or denial of the application for Building Permit must be sent to the applicant, in writing, by the Township within fifteen (15) days after the decision is made. Reasons for denial or for preliminary approval only [the latter being due to conditions or items that must be completed before final approval will be granted] shall be included in said written notice to the applicant.

a. If preliminary approval only is granted, the applicant shall have six (6) months, unless an extension of time is requested and granted by the Township Supervisors, from the date of the written notice by the Township to complete the designated conditions or items, and submit compliance data to the Township, otherwise the application for Building Permit shall be deemed denied.

b. Written notice required herein may be personally delivered to the applicant or mailed by regular mail to the applicant at the address designated by the applicant on the application for the Building Permit. The deposit of such written notice so addressed in the U.S. Postal System is deemed and hereby declared delivery of same to the applicant.

2. Upon approval being granted by the Township, the Building Permit placard issued by the Township shall be visually posted and displayed at the involved site of construction, alteration or development by the applicant or the applicant's contractor or agent, and same shall remain so displayed during the continuation of the work being done in accordance to such approval.

3. The work being done in accordance to an approved Building Permit application shall be completed within **eighteen (18)** months of the approval of the Building Permit and issuance of the Building Permit placard by the Township, unless a longer period of time is granted or extended by the Supervisors, either at the time of initial final approval of the application for the Building Permit, or at later request by the applicant for an extension of such period of time.

B. No application for a Building Permit shall receive final approval until the applicant evidences compliance to all applicable laws, regulations and/or ordinances of the Commonwealth of Pennsylvania and/or the Township of South Beaver, including but not limited to the Pennsylvania Sewage Facilities Act, the Storm Water Management Act, Building Regulations of the Commonwealth of Pennsylvania promulgated under the Act of April 27, 1927, P.L. 465, as amended, or any other applicable law, regulation or ordinance now or hereafter duly enacted, including those applicable as to highway,

street or road entry permits for driveways or other access to same, and/or Article II of this Ordinance. Unless expressly waived by the Township of South Beaver, no proposed building or structure shall be placed or located on any lands closer than ten (10) feet to any boundary line. Any other more restrictive building line applicable to the subject lands by either particular restrictions to the subject lands, or as detailed in the Township's Subdivision Ordinance, shall be applicable to any proposed building or structure.

ARTICLE II. FLOOD PLAIN PERMIT

Section 201. No Development or Substantial Improvement, construction, use or activity shall be commenced or undertaken in any flood plain or flood prone area within the Township of South Beaver until a Flood Plain Permit is issued therefor by the Township of South Beaver.

Section 202. An application for a Flood Plain Permit shall be submitted to the Township of South Beaver, with one original and six (6) copies thereof, together with a fee in accordance to a Fee Schedule adopted and set by Resolution of the Township Supervisors from time to time. Such application for a Flood Plain Permit shall include and provide all the necessary information in sufficient detail and clarity to enable the Supervisors of South Beaver Township and/or designated agents, officers, personnel, or other agency or commission that such application may be referred to for review and comment by the said Supervisors, to determine that the proposed Development or Substantial Improvement, construction, use or activity are consistent with the need to minimize flood damage and conform with the requirements of this Ordinance, and all other applicable laws, regulations and/or ordinances of the Commonwealth of Pennsylvania and/or the Township of South Beaver, with all utilities and facilities as may be involved, including but not limited to, sewer, gas, electric and water systems, are and shall be located and constructed to minimize or eliminate flood damage, and that adequate drainage is or shall be provided so as to reduce exposure to flood hazards. Such application for a Flood Plain Permit, in addition to the foregoing requirements of including pertinent data and information, shall include and contain the following information:

- A. Name and address of the applicant.
- B. Name and address of owner of land involved.
- C. Brief description of proposed Development, Substantial Improvement, construction, use or activity proposed and estimated cost thereof.
- D. A location plan map that clearly identifies the entire project site in relation to the municipal boundaries of South Beaver Township.
- E. A detailed set of plans of the entire project site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less as may be necessary to display the details hereinafter required, which set of plans shall show and include the following:
  - 1. North arrow, scale and date of preparation;
  - 2. Clearly identify the flood plain or flood prone portion of the project site, or that the total project site is within a flood plain or flood prone area.
  - 3. Topographic contour lines of the entire site at not less than intervals to indicate differences of not less than twenty (20) feet in elevation in non-flood plain or flood prone areas of the project site, and one (1) foot difference in elevation in the flood plain or flood prone areas of the project site.
  - 4. The location of all existing structures, streets, drives and other access ways, bodies of water or water courses, surface water drainage conditions, direction of flow thereof, and velocity and quantity as to all such existing water bodies or courses within the project site.
  - 5. The proposed location of any new structures, streets, drives and other access ways, utility, sewage and/or water supply facilities, or other improvements, including but not limited to surface water

drainage slopes or courses that are desired to be implemented therewith on the project site.

F. As to any proposed building, structure or other improvements of the project site, or as to any existing building, structure or other improvement that will be retained on the project site per the concept of the proposed development, a set of plans as to each such building, structure or other improvement, drawn at a suitable scale, as necessary to show:

1. The lowest floor elevation of any proposed building or structure, and the lowest floor elevation of any existing building or structure that will be retained or remain in existence as a part of the proposed Development or Substantial Improvement, construction, use or activity for which the Flood Plain Permit is sought, which lowest floor elevation shall be based upon the National Geodetic Vertical Datum of 1929.
2. The One hundred (100) Year Flood Elevation as to such buildings or structures, particularly in reference to the lowest floor level thereof.
3. Detailed information concerning any proposed flood-proofing measures.
4. Detailed information displaying and identifying that any proposed building or structure, or alteration or remodeling of an existing building or structure, shall and will be accomplished in such manner and according to such specifications as may be required now, or hereafter, at the time of approval of an application for the Flood Plain Permit, in a flood plain or flood prone area, by any law, regulation or ordinance now or hereafter enacted, adopted or promulgated by the Commonwealth of Pennsylvania or any of its Agencies, the Federal Insurance Administration or other Federal Agency, and/or the Township of South Beaver.

G. A written certification by registered professional engineers and/or architects that states and assures that the proposed Development, Substantial Improvement, construction, uses or activities involved and detailed in the application for the Flood Plain Permit:

1. Have been adequately designed to withstand the One Hundred (100) Year Flood Elevation, pressures, velocities, impact and uplift forces associated with the One Hundred (100) Year Flood Elevation as shall be determined in accordance to the requirements of this Ordinance.

2. Comply with all requirements of this Ordinance and all applicable laws, codes and regulations as promulgated and enacted by the United States Government, the Commonwealth of Pennsylvania, or their Agencies, Departments and/or Bureaus, as shall be in effect at the time of the application being submitted for review and consideration, and further that:

- a. Any proposed structure or proposed alteration of an existing structure is designed to fully protect the health and safety of the general public and any occupants thereof, and that such structure is designed to survive inundation by waters of the One Hundred (100) Year Flood Elevation without any lateral movement or damage to either the structure itself, or to any of its equipment and contents, with the ability to provide inside refuge for occupants for an indefinite period of time so as to permit safe evacuation of such occupants; and

- b. No facet of the proposal will cause any unlawful increase of the One Hundred (100) Year Flood Elevation.

H. An application for a Flood Plain Permit shall be reviewed by the Supervisors of South Beaver Township and either be granted preliminary approval, final approval or be denied within ninety (90) days following the first general public meeting of the Supervisors held after receipt of the application and required fee.

1. The decision of preliminary approval, final approval or denial of the application for a Flood Plain Permit must be sent to the applicant, in writing, by the Township within fifteen (15) days after the decision is made. Reasons for denial or for preliminary approval only [the latter being due to conditions or items that must be completed before final approval will be granted] shall be included in said written notice to the applicant.

a. If preliminary approval only is granted, the applicant shall have six (6) months, unless an extension of time is requested and granted by the Township Supervisors, from the date of the written notice by the Township to complete the designated conditions or items, and submit compliance data to the Township, otherwise the application for Flood Plain Permit shall be deemed denied.

b. Written notice required herein may be personally delivered to the applicant or mailed by regular mail to the applicant at the address designated by the applicant on the application for the Flood Plain Permit. The deposit of such written notice so addressed in the U.S. Postal System is deemed and hereby declared delivery of same to the applicant.

2. Upon receipt of the application for a Flood Plain Permit, in the form as above required with the certification of the applicant's registered engineer and/or architect therein included, the Supervisors shall forward, for review purposes only, one complete copy thereof to the Township Planning Commission, the Beaver County Planning Commission, the Township Engineer, and to any other entity or person that it deems advisable, for review and comment thereon.

3. A Flood Plain Permit may be revoked in the event a permit holder fails to adhere to the requirements of this Ordinance, applicable codes, regulations, other ordinances or laws, of if



compliance to the approved plans is not being adhered to in the course of implementation thereof and use of the subject lands violates the provisions of this Ordinance, applicable codes, regulations, other ordinances or laws governing use of flood plain/flood prone areas.

4. In the event of denial or revocation of a Flood Plain Permit, the applicant or permit holder, or subsequent landowner of the involved lands, may file an appeal within thirty (30) days from the denial or revocation, which appeal shall be made to the Supervisors of the Township, who shall set a hearing thereon within thirty (30) days of receipt of such appeal. Said hearing shall be held in accordance to the Local Agency Law, and if the appellant is aggrieved by the decision rendered, the appellant may appeal therefrom to the Court as provided by the laws of this Commonwealth, including the Pennsylvania Flood Plain Management Act.

Section 203. Flood plain or flood prone areas of the the Township of South Beaver shall be determined from and in accordance to the flood plain hazard areas as delineated on the Federal Insurance Administration Hazard Boundary Map dated January 10, 1975 as to the Township of South Beaver (Map Index No. H 01-04), or any maps hereafter promulgated relative thereto. Such map or any subsequent maps relative to the Pennsylvania Flood Plain Management Act or regulations promulgated thereunder, is and/or are deemed a part of this Ordinance. Said map or maps indicating flood plain or flood prone areas may be revised from time to time due to the occurrence of natural or man-made changes, and/or due to more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission, or other qualified agency or individual which documents the need for a change, provided however, prior to such revision, approval thereof must be obtained from or be directed by the Federal Insurance Administration or its successor, and upon such approval or directive being made, such flood plain and/or flood prone areas and/or maps shall be deemed applicable hereto and made part hereof.

Section 204. No Development or Substantial Improvement, construction, use or activity shall be commenced, undertaken or permitted within the Township of South Beaver contrary to the provisions and requirements of Article II of this Ordinance, the Pennsylvania Flood Plain Management Act or regulations promulgated under the latter. Restrictions or prohibitions as to Development or Substantial Improve- ments, construction, use or activity shall include the following:

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalites which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the proper bureau or division of the Department of Environmental Resources. In addition, the Federal Insurance Administrator and proper bureau or division of the Pennsylvania Department of Community Affairs shall be notified prior to alteration or relocation of any watercourse.

B. In any area designated or determined to be a flood plain or flood prone area, no new Development, Substantial Improvement or construction shall be located within an area measured fifty (50) feet landward from the top of the bank of any watercourse, unless a permit is first obtained from the proper bureau or division of the Pennsylvania Department of Environmental Resources.

C. No use, building, structure, Development or Substantial Improvement shall adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

D. All new or replacement water supply and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into such systems and/or, to minimize or eliminate discharges from such systems into flood waters.

E. All new or replacement on-site waste disposal systems shall be located so as to avoid impairment of them or contamination therefrom by flooding.

F. All public utilities and facilities shall be located and be constructed to minimize flood damage.

G. Within any flood plain or flood prone area, structures shall be subject to the following elevation and/or flood-proofing requirements:

1. **New residential structures** - 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.

2. **New non-residential structures** - The lowest floor level (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 height, in which event said non-residential structure 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 any subsequent publication issued in replacement thereof), or some other equivalent standard, for that type of construction.

3. **Existing structures, residential or non-residential** - Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, residential or non-residential, to an extent or amount of fifty (50%) percent or more of its market value shall constitute a "substantial improvement" and such activity shall be undertaken only in full compliance with the provisions of this Article II, including but not limited to the preceding subparagraphs numbered 1 and 2 of this paragraph G. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, residential or non-residential, to an extent or amount of less than fifty (50%) percent of its market value, shall be done so as to elevate and/or flood-proof same to the greatest extent possible.

H. In addition to any other requirement, the following standards shall apply to any or all Development, Substantial Improvement, construction, activity or use in any area of the Township of South Beaver, including but not limited to a flood plain or flood prone area:

1. If fill is used, it shall:

a. Extend laterally at least fifteen (15) feet beyond the building line from all points of the building;

b. Consist of soil or small rock materials only. Sanitary Landfills or dumping of hazardous wastes, vehicle tires and/or discarded appliances and/or similar articles discarded by mankind is prohibited unless a separate permit for use of such fill is obtained from the proper bureau or division of the Pennsylvania Department of Environmental Resources;

c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

d. Be no steeper than one (1) verticle to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Supervisors of South Beaver Township; and

e. Be used only to the extent to which it does not adversely affect adjacent properties.

2. Drainage - Storm drainage facilities shall be designed to convey the flow of storm water run-off in a safe and efficient manner, and shall insure proper drainage along streets and roads, and provide positive drainage away from buildings, and shall be so designed, constructed, and/or graded to prevent the discharge of excess run-off of storm waters onto adjacent or other properties. As to

surface water drainage and run-off, reference is hereby made to the Pennsylvania Storm Water Management Act and any regulations as may be promulgated thereunder.

3. Water and Sanitary Sewage Facilities and Systems - Such facilities or systems shall be subject to the following:

a. All new or replacement water and sanitary sewer facilities and/or systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters;

b. Sanitary sewer facilities and/or sewage systems shall be designed to prevent the discharge of untreated sewage into flood waters and/or storm water run-off; and

c. No part of any on-site sewage system shall be located within any identified or known flood plain or flood prone area except in strict compliance with all Commonwealth of Pennsylvania and local regulations for such systems. If any such system is permitted, such system shall be located and constructed so as to avoid impairment to it, or contamination from it, during a flood or other flow of storm water run-off.

4. Other utilities - All other utilities such as gas lines, electrical lines, telephone systems or other communication systems, shall be located, constructed, and elevated where possible, to minimize the chance of impairment during a flood.

5. Placement of Buildings or Structures - All buildings or 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.

6. Anchoring to prevent flotation, collapse or lateral movement - All buildings, structures or man-made improvements, and pertinent parts or fixtures thereto, shall be designed and constructed to prevent flotation, collapse, or lateral movement by the pressure or inundation of and by flood waters or storm water run-off, and:

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

b. All air ducts, large pipes, storage tanks, and other similar objects or components located within or below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation, collapse, or lateral movement due to flood waters.

7. Electrical components or systems of buildings and structures - All electrical components or systems of any building and structure shall be designed and constructed so that:

a. Electrical distribution panels shall be at least three (3) feet above the One Hundred (100) Year Flood Elevation; and

b. Separate electrical circuits that shall serve any area below said three (3) feet above the One Hundred (100) Year Flood Elevation shall be dropped from the above distribution panels and be so designed and constructed so as to be able to be turned off and not be carrying live or hot electrical current when threatened with or in fact being inundated with flood waters.

8. Equipment and/or fixtures of any building or structure - No water heaters, furnaces, air conditioning and ventilating units, or other electrical, mechanical, or utility equipment or apparatus shall be located below the Regulatory Flood Elevation.

9. Fuel Supply Systems - All gas and oil supply systems shall be designed and constructed to prevent the infiltration of flood waters

and/or storm water run-off into the system and/or to prevent discharge from said systems into flood waters and/or storm water run-off. Additional provisions shall be made to such systems to provide for a method of drainage of such fuel systems in a safe and prudent manner in the event that flood water or storm water infiltration occurs to same.

J. Mobile homes or modular homes may be located in a flood plain or flood prone area, provided all such mobile homes or modular homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and/or the National Fire Protection Association Standard as specified in the Standard for Installation of Mobile Home Park Requirements, as amended, for Mobile Homes in Hurricane Zones or other Appropriate Standards such as the following:

1. Over-the-top ties shall be at each of the four (4) corners of the mobile home or modular home, with two (2) additional such ties per side at intermediate locations for units less than fifty (50) feet in length, and four (4) additional ties per side for units more than fifty (50) feet in length.
2. Frame ties shall be provided at each corner of a mobile home or modular home, with four (4) additional ties per side for units less than fifty (50) feet, and five (5) additional ties per side for units more than fifty (50) feet in length.
3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
4. The stands or lots where the mobile home or modular home is to be situate shall be elevated on compacted fill, or on pilings, so that the lowest floor of the mobile home or modular home (including basement, if one is constructed thereunder), will be one and

one-half (1-1/2) feet or more above the elevation of the One Hundred (100) Year Flood Elevation.

5. Adequate surface water drainage facilities are provided.
6. Adequate access for a hauler is provided.
7. 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) or more feet above the original ground level.

Section 205. No hospitals, nursing homes, jails or prisons, and/or mobile home park or mobile home and/or modular home subdivision within the Township of South Beaver shall be commenced or constructed, and/or substantially improved, expanded or altered within any flood plain or flood prone area without the issuance of a Special Flood Plain Permit by the Supervisors of the Township of South Beaver.

A. In accordance to the regulations promulgated by the Pennsylvania Department of Community Affairs under and pursuant to the Pennsylvania Flood Plain Management Act, or such other regulations as may hereafter be promulgated under said Act or its replacement legislation, the Special Flood Plain Permit that is required by this Section of this Ordinance is the "Special Permit" as now or hereafter required by said regulations. If application for a Special Flood Plain Permit is necessary, such application will be the sole flood plain/flood prone application necessary to be made to the Township of South Beaver under Article II of this Ordinance.

B. An application for a Special Flood Plain Permit, in addition to containing all the data as required and otherwise complying with Section 202 of this Article II as to the contents, data, and information applicable to an application for a Flood Plain Permit, shall include and



contain the following additional data, information and certifications:

1. Topographical contour lines of the entire lands or site upon which the activity for which the Special Flood Plain Permit is required, based on the National Geodetic Vertical Datum of 1929, at intervals of two (2) feet, subject to the requirement of subparagraph E., 3. of Section 202, that the portion of the tract of land being within the flood plain or flood prone areas be in one (1) foot intervals.
  
2. All property of the site be depicted by survey plotting including complete course and dimensions thereof, with the size of the entire site or tract of land involved being expressed in acres or square feet.
  
3. In addition to identifying the location of existing structures, streets, drives and other access ways, bodies of water, water courses, and all other natural and/or man-made features existing on the proposed site or tract of land, the application shall include data as to the dimensions of same and the composition or construction materials included in same.
  
4. The flood plain or flood prone area or portion of the site or tract of land shall be clearly indicated and spot elevation data will be provided relative to the One Hundred (100) Year Flood Elevation as to said site or tract of land.
  
5. The plans as to any proposed building or structure or any building or structure that will remain on the site or tract of land, shall include detail floor plans and drawings; elevation data as to each floor thereof as to the One Hundred (100) Year Flood Elevation; and the capabilities of same to withstand pressures, velocities, impact and uplift forces and other related factors associated with the One Hundred (100) Year Flood.
  
6. Cross-section drawings, plans and profiles of all streets,

drives, other access routes, parking lots, or other facilities for vehicular use, both existing and proposed, shall be included.

7. Plans and profiles of all existing or proposed sanitary sewage facilities and storm water drainage facilities, along with the water supply system and other utility and facility services, shall be provided and included with the application.

C. Said application for a Special Flood Plan Permit shall be accompanied with the following certifications and documents:

1. Certification from and by the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel or tract of land, owned by the applicant or the client that he represents.

2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been designed to protect against damage from a One Hundred (100) Year Flood.

3. A statement, certified by a registered professional engineer, architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a One Hundred (100) Year Flood, including a statement concerning the effects such pollution may have on human life.

4. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on the One Hundred (100) Year Flood Elevations and flows.

5. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and

accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the One Hundred (100) Year Flood Elevation and the effects such materials or debris may have on the One Hundred (100) Year Flood Elevation and flows.

6. The appropriate component of the Pennsylvania Department of Environmental Resources' "Planning Module for Land Development".

7. As to any excavation or grading as to the proposed development, a plan detailing and meeting the requirements of the Pennsylvania Department of Environmental Resources to implement and maintain erosion and sedimentation control.

8. A copy of any other applicable permits required by agencies or bureaus of the Commonwealth of Pennsylvania, including but not limited to a permit for an activity regulated by the Pennsylvania Department of Environmental Resources under Section 302 of Act No. 166 of 1978.

9. An evacuation plan which fully details and explains the manner in which the site will be safely evacuated before and/or during the course of flooding.

D. Review of the application for a Special Flood Plain Permit by the Township of South Beaver, shall be in accordance with the procedure and methods provided and set forth in Subparagraph H. of Section 202 of this Article II, provided however, initially the Township can only give preliminary approval to an application for a Special Flood Plain Permit, pending review by the Pennsylvania Department of Community Affairs, and:

1. The Township shall within five (5) working days of making the decision of preliminary approval, mail by certified mail, notice thereof to the Pennsylvania Department of Community Affairs, together with a complete copy of the application and accompanying

documents and data and any other pertinent information.

2. The said Department of Community Affairs will be granted thirty (30) days from the date that it receives said certified mailing to review and comment upon the application for a Special Flood Plain Permit, and shall have final decision authority as to whether such Special Flood Plain Permit should or should not be approved.

a. Final approval of the application for a Special Flood Plain Permit will thereafter be issued by the Township, provided any other special conditions specified by the Township are or have been met, upon either receipt of written approval by the Pennsylvania Department of Community Affairs, or the passage of thirty-five (35) days from said Department's receipt of the data mailed to it, per subparagraph 1 hereof, without receipt of written communication from said Pennsylvania Department of Community Affairs that the Special Flood Plain Permit is not to receive final approval.

b. In the event the Pennsylvania Department of Community Affairs disapproves the issuance of final approval of an application for a Special Flood Plain Permit, it shall notify the Township and the applicant of such denial, in writing, and shall include therein the reasons for such disapproval. Such notice of disapproval must be mailed, certified mail to the Township and applicant, and be received by the Township within the aforesaid thirty-five (35) day period.

3. Any applicant aggrieved by a denial of final approval may proceed to have such denial reviewed pursuant to the provisions of the Local Agency Law, and will proceed accordingly depending on whether the denial was initially by the Township or, after the Township's preliminary approval, by the said Pennsylvania Department of Community Affairs.

E. All requirements detailed in Article II of this Ordinance, including but not limited to Section 203 as to a development which requires a Flood Plain Permit, shall be applicable requirements to a development requiring a Special Flood Plain Permit, provided however, the following shall be additional requirements applicable to a proposed development requiring a Special Flood Plain Permit to the extent that the following are more restrictive:

1. Any structure, improvement or activity to be located within a development site requiring a Special Flood Plain Permit shall be so located, designed, constructed, and maintained so that:

a. The health and safety of the general public and any person occupying any structure or improvement will be fully protected, and any structure on such development site shall be so located, designed and constructed so that:

(i) The structure will survive inundation by waters of the 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 One Hundred (100) Year Flood Elevation.

(ii) The lowest floor level will be at least one and one-half (1-1/2) feet above the One Hundred (100) Year Flood Elevation.

(iii) The occupants of any structure will be able to remain inside for an indefinite period of time and be safely evacuated at any time during a flood that reached a One Hundred (100) Year Flood stage.

b. Such development shall be designed, constructed and maintained so as to prevent any significant possibility of pollution, increased flood levels or flows, or debris, or any

situation that would or could endanger life and/or property.

Section 206. No Development, Substantial Improvement, construction, use or activity shall be commenced, carried on, or occur within a flood plain or flood prone area within the Township of South Beaver which may endanger human life from the production and/or storage of hazardous or dangerous materials or substances.

A. In accordance with the Pennsylvania Flood Plain Management Act and regulations promulgated thereunder, as such regulations now exist or as may hereafter be amended, any new or substantially improved structure which will be used for the production and/or storage of dangerous or hazardous materials or substances; and/or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any dangerous or hazardous materials or substances on the premises; and/or will involve the production, storage, or use of any amount of radioactive substances, in addition to all other requirements of this Ordinance, shall be subject to the special provisions of this Section.

For the purpose of this Section, dangerous or hazardous materials or substances, include but are not necessarily limited to the following list:

- 1. Acetone
- 2. Ammonia
- 3. Benzene
- 4. Calcium carbide
- 5. Carbon disulfate
- 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 or materials, insofar as such substances are not otherwise regulated.

B. Within any identified or known flood plain or flood prone area, any new or substantially improved structure which will be used for the production and/or storage of dangerous or hazardous materials shall not be located and shall be prohibited within the area measured fifty (50) feet landward from the top of the bank of any watercourse.

C. Where permitted within any identified flood plain or flood prone area, any new or substantially improved structure of the kind described in subsection A hereof, 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 Elevation;

2. Designed to prevent pollution from the structure or activity of storage and/or production of a dangerous or hazardous material or substance during the course of a One Hundred (100) Year Flood; and

3. Designed, constructed and maintained so that any part of such structure and/or building that is below the Regulatory Flood Elevation shall be 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 such current publications or revisions of publications hereafter made, or with and in accordance to some other equivalent watertight standard.

Section 207. The One Hundred (100) Year Flood Elevation, which is the basis for regulations and requirements under this Article II of this Ordinance, is and shall be determined from the elevation at a given point on the boundary or edge of an identified flood plain or flood prone area which is nearest the site for which a landowner or Developer desires to place, or cause, Development or Substantial Improvement, construction, use or activity. As an aid in making this necessary elevation determination, other sources of data, where available, shall be used such as:

- A. U.S. Army 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 P.L. 566 Flood Plain Information;
- D. Pennsylvania Department of Environmental Resources, Flood Control Investigations;
- E. Known Highwater marks from past floods; and/or



F. Other Sources, including but not limited to hydrologic and hydraulic analyses relative to the proposed site.

In the submission of an application for a Flood Plain Permit or an application for a Special Flood Plain Permit as required by Article II of this Ordinance, the data included therewith shall be of sufficient detail and with sufficient explanation of the method of determination of the One Hundred (100) Year Flood Elevation as to the proposed site where the Development, Substantial Improvement, construction, use or activity for which the Flood Plain Permit or Special Flood Plain Permit is sought pursuant hereto.

Any and all hydrologic and hydraulic analyses relative to an activity or development regulated by this Ordinance shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect the current accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township Supervisors and any person or entity to which same are referred for review.

Section 208. If compliance with any requirements of Article II of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of South Beaver, upon request by the applicant for a Flood Plain Permit or Special Flood Plain Permit, may grant relief from the strict application of said requirements in the form of a variance. In the event an applicant desires to seek a variance, such request for a variance shall be included with the required application for such Flood Plain Permit or Special Flood Plain Permit with specific data and information of the exact nature of the variance or variances from such requirements and the reasons therefor.

A. Such request for a variance shall be accompanied by a certification of a registered professional engineer or architect, that, if such variance or variances from the requirements of Article II of this Ordinance would be granted, any development, activity or use conducted

thereby would not be contrary or adverse to subparagraph B. of this Section.

B. No variance will be granted that shall:

1. Cause an increase in the One Hundred (100) Year Flood Elevation or other flood heights.
2. Reduce the ability of any building or structure to resist the affects of an occurrence of a One Hundred (100) Year Flood.
3. Increase risks to, or create a potential harmful or hazardous situation for, the safety of life or property.
4. Cause or result in the possibility of an increase in premium rates for flood insurance as to any other person's or entity's lands, buildings, structures or other improvements.
5. Create a nuisance, cause fraud, or victimize the public.
6. Be applicable to developments, improvements, uses or activities regulated by Sections 205 and Section 206 of this Article II.
7. Cause a conflict with or create a violation of any other applicable law or regulation of the Commonwealth of Pennsylvania, the United States of America, or any ordinance or regulation of the Township of South Beaver.

C. A variance will only be granted if there is good and sufficient cause and the failure to do so would result in exceptional hardship to the applicant, and if granted, shall involve only the least modification necessary to provide relief. If a variance is granted, the Township may attach any conditions that it deems reasonable to provide safeguards necessary to protect the public health, safety, and welfare of life and property and to achieve the objectives of this Ordinance.

D. If a variance is granted:

1. The applicant shall be notified by the Township in writing that such variance may result in increased premium rates for flood insurance as to the applicant's subject site as to which the variance was granted.
2. The Township shall keep and maintain complete records of any variance granted, and shall report same to the Federal Insurance Administration, or such other agency or bureau of the United States of America or the Commonwealth of Pennsylvania, as may be necessary, annually or in such other time frame as such reports may be required or necessary.

### ARTICLE III - DEFINITIONS

Section 301. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application. In the event any definition or meaning of a word or words hereinafter set forth is inconsistent with the definition or meaning of such word or words as set forth in any applicable law or regulation of the Commonwealth of Pennsylvania or the United States of America, or the definition or meaning of such word or words is not included herein, then the definition or meaning of such word or words as set forth in said laws or regulations shall govern.

Section 302. The following meanings of words as hereinafter listed shall be applicable to this Ordinance.

**Building** - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes, mobile trailers requiring special hauling permits, and/or modular homes useable for human habitation, office or storage purposes.

**Completely dry space** - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water or water vapor.

**Construction** - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, and/or any part thereof, including the placement of a mobile home or modular home.

**Developer** - any landowner, agent of such landowner or tenant with the permission of the landowner, who makes or causes to be made an application for a permit under this Ordinance, and/or any person who undertakes an activity for which a permit is required by this Ordinance, including but not limited to erecting or constructing any building, structure or improvement on lands.

**Development** - any man-made change to improve or unimprove real estate or any appurtenance thereof, including but not limited to buildings or other structures, the placement of mobile homes, modular homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavating, or drilling operations upon and of lands, and the subdivision of land.

**Dwelling** - a building or structure designed and constructed for residential purposes in which people live.

**Essential dry place** - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**Flood plain** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water course; and/or any area of land subject to the unusual and/or rapid accumulation of surface waters from any source.

**Flood plain district** - a land area that is a flood plain, and as is and may be delineated on the Flood Hazard Boundary Map for the Township of South Beaver, or any subsequent map prepared as to the Township of South Beaver relative to the Federal Flood Insurance Program.

**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improvements on real estate, including but not limited to water and sanitary facilities, structures, and/or their contents.

**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, and/or modular homes, for nontransient use.

**One Hundred (100) Year Flood** - a flood that, on the average is likely to occur once in every one hundred (100) years, i.e., that has a one (1%) percent chance of occurring each year, although the flood may occur in any year to such elevation.

**Regulatory flood elevation** - the One Hundred (100) Year Flood Elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

**Subdivision** - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or 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, the subdivision for lease of land for agricultural purposes into parcels or tracts of land of more than ten (10) acres, not involving any new street or road, easement of access, new building or use of an existing building, shall be exempted from Article II of this Ordinance.

**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 damaged occurred.

#### ARTICLE IV - ADMINISTRATION

Section 401. Administration of the provisions of this Ordinance on behalf of the Supervisors of South Beaver Township shall be controlled by the Secretary of the Township, or such other person appointed by the said Supervisors from time to time.

Section 402. The regulation of lands and/or degree of flood protection sought by the provisions of this Ordinance are considered reasonable for regulatory purposes and same is based on acceptable engineering methods of study. As to flood, 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 of any identified flood plain or flood prone area, or that land use permitted within such areas, will be free from flooding or flood damages.

This Ordinance shall not create any liability on the part of the Township of South Beaver, or any officer, employee or agent thereof, as to any matter governed hereby, including but not limited to flood damages, placement or use of buildings, structures or improvements of any kind or nature, damages to person or property, as to any matter reviewed pursuant to the requirements of this Ordinance, or as to any administrative decision made or not made pursuant hereto. This Ordinance does not imply that areas outside any flood plain or flood prone area will not flood or suffer damage from flood, or that land uses permitted within a flood plain or flood prone area will be free from flooding or flood damages, nor does this Ordinance imply that any person or entity that receives a permit hereunder is guaranteed by the Township of South Beaver Township to use and control the activities, development or use of the lands for which any permit is issued, according to the requirements

applicable to said permit by this Ordinance or any other law, regulation, or ordinance.

#### ARTICLE V - VALIDITY, REPEALER AND EFFECTIVE DATE

Section 501. Should any section, clause, part or word of this Ordinance be declared by a Court of competent jurisdiction invalid, illegal or unconstitutional, such decision of the Court shall not affect the validity or impair any of the remaining sections, clauses, parts or words of this Ordinance; the provisions of this Ordinance being thus severable and declared valid.

Section 502. Upon this Ordinance becoming effective, Ordinance No. 32 of South Beaver Township is hereby repealed. All other ordinances of the Township insofar as same may be inconsistent herewith are repealed to the extent or only insofar as they are inconsistent with the application of this Ordinance.

Section 503. This Ordinance shall become effective upon publication and adoption as required by law.

#### ARTICLE VI - PENALTIES

Section 601. Any penalty set forth and provided pursuant to legislation of the Commonwealth of Pennsylvania for conduct contrary to the requirements of this Ordinance shall be deemed a violation and penalty chargeable by the Township of South Beaver.

Section 602. Any other violation of this Ordinance or the requirements hereof shall be deemed and is hereby declared a summary offense, and upon conviction thereof in a summary proceedings, a person or persons, developer, or legal entity chargeable with violation hereof, shall be sentenced to a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars

for each and every violation. Each violation and/or each day same is continued shall be deemed a separate offense. All fines collected shall be paid to the Township of South Beaver. In the event any fine imposed is not duly and timely paid, the violator so sentenced may be incarcerated by a Court of competent jurisdiction up to the maximum period as provided by law.

ADOPTED AND ENACTED this 9<sup>th</sup> day of September, 1986.

ATTEST:

TOWNSHIP OF SOUTH BEAVER

Carol Miller  
Secretary

Charles W. McEuffick  
Supervisor

Richard Hooker  
Supervisor

Jack Simon  
Supervisor