

ORDINANCE NO.2 of 1989, AMENDING  
FISHING CREEK TOWNSHIP, COLUMBIA COUNTY,  
PENNSYLVANIA FLOODPLAIN MANAGEMENT ORDINANCE  
ADOPTED SEPTEMBER 7, 1983

WITNESSETH AS FOLLOWS:

WHEREAS, the Board of Supervisors of Fishing Creek Township, (the "Township"), duly enacted and ordained a Floodplain Management Ordinance on September 7, 1983, to regulate construction and development with floodplain areas of the Township and to assure compliance with the Natural Flood Insurance Program; and

WHEREAS, additional regulatory requirements must be met to assure continued participation in and availability of flood insurance through said Natural Flood Insurance Program; and

WHEREAS, by this Ordinance the Board of Supervisors intend to amend the existing Township Floodplain Management Ordinance to continue compliance with the regulatory requirements of said Program.

NOW THEREFORE, BE IT ENACTED AND ORDAINED AS FOLLOWS:

SECTION 1: Article III, Sections 3.00 and 3.01, are hereby amended to read as follows:

Section 3.00 Identification

The identified floodplain area shall be those areas of Fishing Creek Township, which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated

August 3, 1989, or the most recent revision thereof.

section 3.01 Description of Floodplain Areas

The identified floodplain area shall consist of the following two specific areas:

A. The AE Area shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.

B. The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation-and floodway information from other Federal, state, or other acceptable source shall be used when available . Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted to sufficient detail to allow a thorough technical review by the municipality.

SECTION 2: Article IV, Section 4.00(E) is hereby amended to read as follows:

E. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be one and one half (1 1/2) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or 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.

SECTION 3: Article IV, Section 4.00 is hereby amended to include the following Paragraph (F).

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

SECTION 4: Article IV is hereby amended to include the additional Section 4.00.1. Special Requirements for the AE Area.

section 4.00.1 Special Requirement for the AE Area

Within any AE Area, no new construction or development 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 elevation of the one hundred (100) year flood more than one (1) foot at any point.

SECTION 5: Article IV, Section 4.03 is hereby amended as follows:

Section 4.03 Special Requirements for Manufactured Homes

A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

1. placed on a permanent foundation.

2. elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the one hundred year flood.

3. anchored to resist flotation, collapse, or lateral movement.

SECTION 6: Article V is hereby amended as follows:

Section 5.00 General

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities

shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. hospitals
2. nursing homes
3. jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 5.01 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

A. A written request including a completed Building Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. north arrow, scale and date;
2. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. the location of all existing streets, drives, Other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and manmade features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application.

D. plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

4. detailed information concerning any proposed flood-proofing measures;

5. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

6. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and

7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned **by** the applicant or the client he represents;

2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

3. a statement, certified by a registered professional engineer, architect, landscape 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 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 and debris may have on one hundred (100) year flood elevations and flows;

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

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;

8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under section 302 of Act 1978-166; and

9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.



Section 5.02 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article II:

A. within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning commission, if established, and Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the

application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

Section 5.03 Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision 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 which will:

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

a. 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.

b. the lowest floor elevation will be at least one and one half (1 1/2) feet above the one hundred (100) year 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 the one hundred (100) year flood.

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

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts, studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

SECTION 7: Article VII, Section 7.01 is hereby amended as follows:

Section 7.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.09 and the following:

A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

B. No variance shall be granted for any construction,

development, use, or activity within any AE 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.

C. Except for a possible modification of the one and one half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special Permit (Article V) or to Development Which May Endanger Human Life (Section 4.02).

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

F. Whenever a variance is granted, the Township shall notify the applicant, in writing that:

1. the granting of the variance may result in increased premium rates for flood insurance.

2. such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:

1. that there is good and sufficient cause.

2. that failure to grant the variance would result in exceptional hardship to the applicant.

3. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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

SECTION 8: Article VIII, Section 8.01 is hereby amended as follows:

A. The definitions of mobile home and mobile home park are hereby deleted.

B. The following definitions are hereby added and incorporated into Section 8.01:

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Manufactured Home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed

so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.  
SECTION 9: The Township Floodplain Management Ordinance of September, 1983, shall remain and continue in full force and effect, as amended hereby.

SECTION 10: This Ordinance shall become effective at the earliest possible date permissible under law.

ENACTED AND ORDAINED this 3<sup>rd</sup> day of October, 1989.

BOARD OF SUPERVISORS OF  
FISHING CREEK TOWNSHIP

William W. Beall

Lynn Casey  
Chris H. Bogert

ATTEST:

Jean Deutter (SEAL)  
Secretary