

Township of Forward
Butler County
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CHAPTER 8
CODE OF ORDINANCES
FLOOD PLAINS
ORDINANCE

June 20, 2006

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ORDINANCE NO. 2006-2

AN ORDINANCE OF THE TOWNSHIP OF FORWARD, BUTLER COUNTY, PENNSYLVANIA, AMENDING AND SUPERSEDING CHAPTER 8 OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF FORWARD RELATING TO FLOOD PLAINS.

WHEREAS, the Township of Forward is empowered by the Second Class Township to provide for the health, safety and welfare of the residents of the Township; and

WHEREAS, the construction and inhabitation of areas prone to flooding affect not only the activities and habitation within the flood prone areas, but others upstream and downstream therefrom.

NOW, THEREFORE, be it ordained and enacted and it is hereby ordained and enacted by the Township of Forward, Butler County, Pennsylvania, as follows:

SECTION 1: Chapter 8 of the Code of Ordinances of the Township of Forward, Butler County, Pennsylvania, is hereby amended and superseded in its entirety, as referenced specifically in Chapter 8, Code of Ordinances, Flood Plains Ordinance, dated June 20, 2006:

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FLOOD PLAINS
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SECTION 1: Chapter 8 of the Code of Ordinances of the Township of Forward is hereby amended and superseded to read as follows:

§101 Intent. The intent of this section is to:

1. Promote the general health, welfare and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units and its residents, by- preventing excessive development in area subject to flooding.
5. Comply with Federal and State floodplain management requirements.

§102. Applicability.

1. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development anywhere within the Township unless a building permit has been obtained from the Building Permit Officer.
2. A building permit shall not be required for minor repairs to existing buildings or structures.

§103. Abrogation and Greater Restrictions. This Chapter supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.

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

§105. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter is considered

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

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

§106. Building Permits Required. Building permits shall be required before any construction or development is undertaken within any area of the Township.

§107. Issuance of Building Permit.

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966—537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978—325, as amended); the Pennsylvania Clean Streams Act (1937—394, as amended); the U.S. Clean Water Act, §404, 33, U.S.C. 944. No permit shall be issued until this determination has been made.

3. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

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

§108. Application Procedures and Requirements.

1. Application for such 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:

A. Name and address of applicant.

- B. Name and address construction is to occur.
- C. Name and address of contractor.
- D. Site location.
- E. Listing of other permits required.
- F. Brief description of proposed work and estimated costs.
- G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures. The plan should be accompanied by construction documents, grading plans, fill plans, and other pertinent information deemed appropriate by the Planning Commission, Township, and building code enforcement officer.

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

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

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

- A. A completed Building Permit Application Form.
- B. 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) Topographic contour lines.
 - (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 other existing and proposed buildings, structures and other improvements, including the location of any existing or proposed

subdivision and land development.

- (5) The location of all existing streets, drives and other accessways.
- (6) The location of any existing bodies of water or water— courses, identified floodplain areas and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

C. Plans of all proposed buildings, structures, landfills, dumps, mines, toxic waste sites and other improvements, drawn at suitable scale showing the following:

- (1) The proposed lowest floor elevation, including basement, of any proposed building based upon National Geodetic Vertical Datum of 1929;
- (2) The elevation of the one hundred (100) year flood;
- (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
- (4) Detailed information concerning any proposed flood— proofing measures,

D. The following data and documentation:

- (1) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District, 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.
- (2) A document, certified by a registered engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of the flood proofing measures which have been incorporated into the design of the structure and/or development.
- (3) Detailed information needed to determine compliance with Section 925(6), "Storage," and Section 926,, "Development Which May Endanger Human Life," including:
 - (a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site, and
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §404 during a one hundred (100) year flood.
- (4) The appropriate component of the Department of Environmental

Protection' "Planning Module for Land Development."

- (5) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

§109. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the applicant to the Butler County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

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

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

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

§113. Start of Construction.

1. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. The actual start of construction shall mean the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation such as clearing, excavation, grading, or filling, the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building.

2. 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 Office to approve such a request and time required for completion.

§114. Inspection and Revocation.

1. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and on completion of the work as are necessary.

2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development on the identified flood—prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

3. In the event that the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.

4. A record of all such inspections and violations of this Chapter shall be maintained.

§115. Fees. Applications for a building permit shall be accompanied by a fee, payable to the Township by a rate established from time to time by the Township.

§116. Enforcement.

1. Notices. 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 provision of this Chapter or any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; provided, however, that nothing in this Section shall require notice of the expiration of any permit issued under the provisions of this Chapter; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

2. Violation and Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the Township shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than twenty—five (\$25.00) dollars nor more than three hundred (\$300.00) dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in the County prison for a period not to exceed ten (10) days. Each day during which any violation of this Chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are here by reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation or noncompliance with this Chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated or noncompliance with this Chapter may be declared by the Board to be a public nuisance and abatable as such.

§117. Appeals.

1. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Chapter, may appeal to the Board. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

2. Upon receipt of such appeal, the Board 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 in writing to all parties.

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

§118. Identification. The identified floodplain area shall be those areas of the 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), preliminarily dated June 27, 1988, and to become final June 19, 1989, or the most recent revision thereof.

§119. Description of Floodplain Areas/Districts.

1. The identified floodplain area shall consist of the following two (2) specific areas! districts:

A. The AE Area/District shall be those areas identified as an AE Zone on the FIRM

included in the FIS prepared FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.

- B. The A Area/District 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, 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.

2. 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 concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

§120. Changes in Identification of Area. The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

§121. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board. The burden of proof shall be on the appellant.

§122. General Technical Requirements.

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.
2. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
3. Within any AE Area District, 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.
4. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50') feet landward from the top—of—bank of any watercourse.
5. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one half (1½') feet or more above the one hundred (100) year flood elevation.
6. 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 (1½') feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.
 - A. Any nonresidential structure or part thereof having a lowest floor (including basement) which is not elevated to at least one and one half (1½') feet above the one hundred (100) year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood—Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972) or with some other equivalent standard. All plans and specifications for such floodproofing 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.
7. Enclosed areas below the lowest floor (including basement) are prohibited.

§123. Special Requirement for the AE Area/District. Within any AE Area/District, 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.

§124. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

1. Fill. If fill is used, it shall:
 - A. Extend laterally at least fifteen (15') beyond the building line from all points;
 - B. Consist of permeable soil or small rock materials only. Sanitary landfills shall not be permitted;
 - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
 - D. Be no steeper than one (1') vertical to two (2') horizontal feet, unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer, and,
 - E. Be used to the extent to which it does not adversely affect adjacent properties.
2. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide drainage away from the building. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
3. Water and Sanitary Sewer Facilities and Systems.
 - A. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - C. No part of any on—site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
5. Finished Elevation. The finished elevation of all new streets shall be no more than one (1') foot below the regulatory flood elevation.

6. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life and not listed in §404, “Development Which May Endanger Human Life,” shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

7. Placement of Building Structures. All buildings and structures shall be designed, located and constructed so as to offer minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring.

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

B. All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings.

A. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

B. Plywood used at or below the regulatory flood elevation shall be of a “marine” or “water—resistant” variety.

C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water resistant and will withstand inundation.

D. Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water—resistant material.

10. Paints and Adhesives.

A. Paint or other finishes used at or below the regulatory flood elevation shall be of “marine” or water—resistant quality.

B. Adhesives used at or below the regulatory flood elevation shall be of “marine” or water—resistant variety.

C. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or water—resistant variety.

11. Electrical Components.

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

12. Equipment. Water heaters, furnaces, air-conditioning and ventilation units and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

13. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems into approved containers in the event that flood water infiltration occurs.

14. Tanks. Underground tanks in flood hazard areas shall be anchored to prevent floatation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation or shall be anchored or otherwise designed and constructed to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

§125. Development Which May Endanger Human Life.

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

- A. Will be used for the production or storage of any of the following dangerous materials or substances; or
- B. Will be used for any activity requiring the maintenance of a supply of more than one hundred and sixty—five (165) gallons or other comparable volume of any of the following dangerous materials or substances on the premises; or
- C. Will involve the production, storage or use of any amount of radioactive substances;

shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (1) Acetone
- (2) Ammonia

- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel, or lubricating 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.
- (19) Any other material or substances which have been demonstrated to be dangerous to human life.

2. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Section 904(1), above, shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least one and one half (1½') feet above the one hundred (100) year flood, and
- B. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood. Any such structure or part thereof that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood—Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

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

- A. Placed on a permanent foundation.
- B. Elevated so that the lowest floor of the manufactured home is one and one half (1½') feet or more above the elevation of the one hundred (100) year flood, and
- C. Anchored to resist flotation, collapse or lateral movement.

4. The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than

180 consecutive days. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements for manufactured homes.

§126. General Activities Requiring Special Permits. 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:

1. 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:
 - A. Hospitals,
 - B. Nursing homes,
 - C. Jails or prisons.
2. 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.

§127. Existing Structures in Identified Floodplain Areas. The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, when improvement is made to any existing structure, the provisions of Section 929 shall apply.

§128. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
2. No expansion or enlargement of an existing structure shall be allowed 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.
3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50%) percent or more of its existing market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

4. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

§129. Variances - General. If compliance with any of the requirements of this Chapter would result in an exceptional hardship to the applicant, the Township may, upon request of the applicant, grant relief from the strict application of the requirements.

§130. Variances Procedures and Conditions.

1. Request for variances shall be considered by the Township in accordance with the procedures contained in §212 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. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. 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 Chapter.
- E. 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, and
 - (2) Such variances may increase the risks to life and property.
- F. In reviewing any request for variance, the Township shall consider, at a minimum, the following:
 - (1) That there is a 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:
 - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense;
 - (b) Nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable State or local ordinances and regulations.
- (4) No variance shall be granted for any of the requirements of §404 (1) and (2), except for possible modification of the one and one half (1½') foot free board requirement. No variance will be granted which would allow any of the developments specifically prohibited in Chapter 5 of this Chapter.

G. 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.

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

§131. Definitions - General. Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give this section its most reasonable application.

§132. Specific Definitions.

ACCESSORY USE OR STRUCTURE — a use or structure on the same lot with, and of a nature incidental and subordinate to, the principal use or structure.

BUILDING — a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

CONSTRUCTION — the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

DEVELOPMENT — any man—made change to improved or unimproved real estate, including, but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

FLOOD — a temporary inundation of normally dry land areas.

FLOODPLAIN AREA — a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the usual and rapid accumulation of surface waters from any source.

FLOODPROOFING — any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Walls shall be watertight and substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in ASCE 7.

FLOODWAY .— the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, 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 (1) 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 one hundred and eighty (180) consecutive days.

MANUFACTURED HOME PARK — a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non—transient use.

MINOR REPAIR — the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alterations of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

ONE HUNDRED (100) YEAR FLOOD — a flood that, on the average, is likely to occur once every one hundred (100) years, (i.e. that has one (1%) percent chance of occurring each year, although the flood may occur any year).

REGULATORY FLOOD ELEVATION — the one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1½') feet.

SPECIAL PERMIT — a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and substantial improvements to existing parks, when such development is located in all, or a designated portion of a floodplain.

STRUCTURE — anything constructed or erected on the ground or attached to the ground, including, but not limited to buildings, sheds, manufactured homes and other similar items.

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means in two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels more than ten (10) acres, not involving any new Street or easement of access or residential dwellings shall be exempted.

SUBSTANTIAL IMPROVEMENT — any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds the fifty (50%) percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred.

TOWNSHIP or MUNICIPALITY — Forward Township, Butler County, Pennsylvania. References to the Board shall mean the Board of Supervisors of said Township.

SECTION 2: This Ordinance is intended to supplement and be a continuation of prior regulations not as a repeal thereof.

SECTION 3: This Ordinance shall be effective in five (5) days.

Ordained and enacted this 13th day of June, 2006.

TOWNSHIP OF FORWARD

By: Duan Dupuis

ATTEST:

Mary L. McElhinney
Secretary