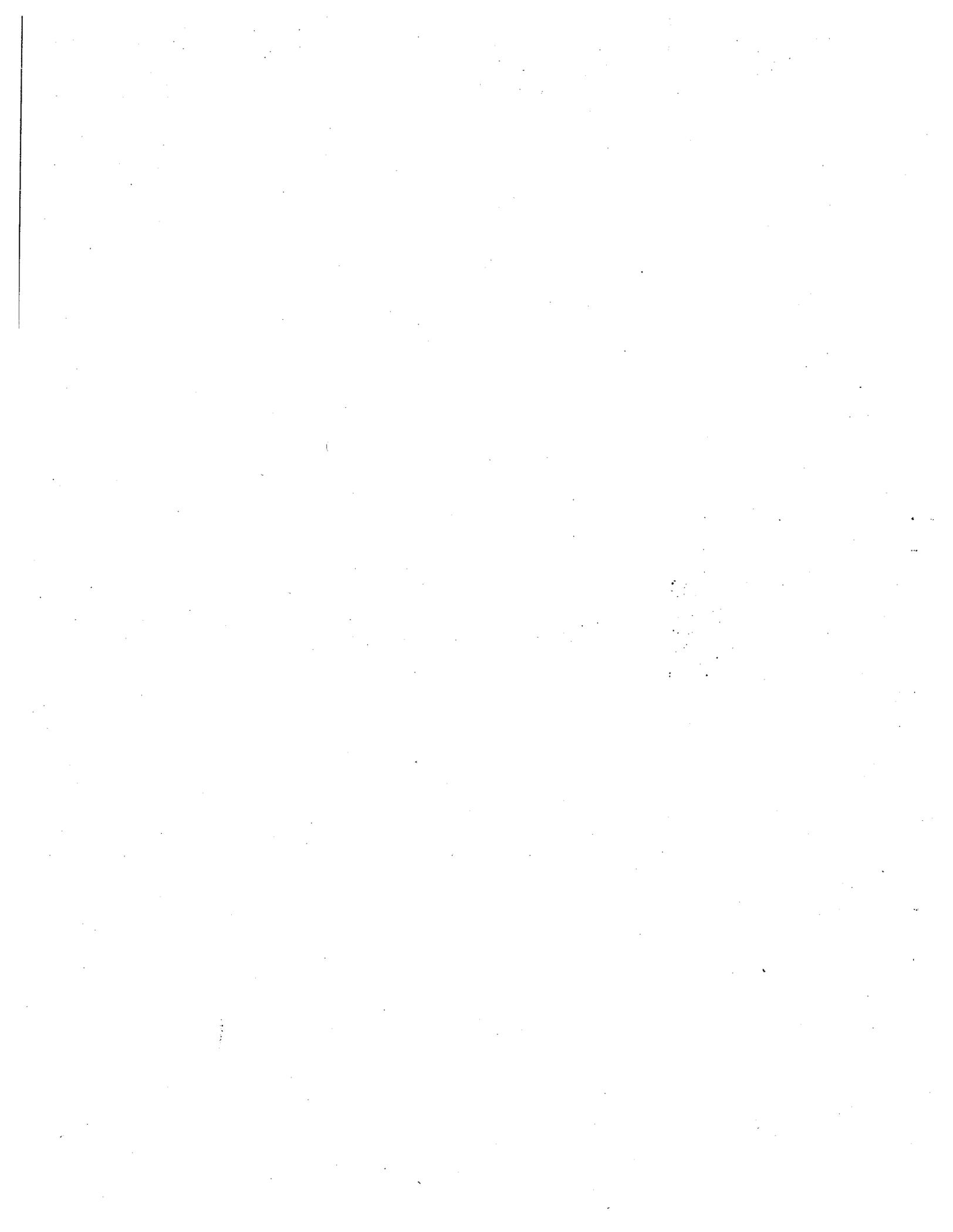


**LEHMAN TOWNSHIP  
FLOOD PLAIN ORDINANCE**

**ORDINANCE No. 93**

**ADOPTED: 7 February 2001**

**LEHMAN TOWNSHIP  
PIKE COUNTY  
PENNSYLVANIA**



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Ordinance No. \_\_\_\_\_

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A CONDITIONAL USE PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT WITHIN A FLOOD PRONE AREA; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN SUCH AREAS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lehman Township, Pike County, Pennsylvania, and it is hereby ordained and enacted as follows:

**ARTICLE I**  
**GENERAL PROVISIONS**

**Section 101 Intent**

The intent of this Ordinance is to:

101.1 Promote the general health, welfare, and safety of the community.

101.2 Encourage the utilization or appropriate construction practices in order to prevent or minimize flood damage in the future.

101.3 Minimize the danger to public health by protecting water supply and natural drainage and by providing for the proper siting of sewage disposal systems.

101.4 Reduce the financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

101.5 Comply with Federal and State floodplain management requirements.

**Section 102 Short Title**

This Ordinance shall be known and may be cited as "The Lehman Township Flood Plain Ordinance".

### **Section 103 Applicability**

103.1 It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere in a flood prone area within Lehman Township unless an approved permit has been obtained.

103.2 A permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

### **Section 104 Abrogation and Greater Restrictions**

This Ordinance supersedes any conflicting provisions which may be in effect in flood prone areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

### **Section 105 Severability**

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

### **Section 106 Warning and Disclaimer of Liability**

106.1 The degree of flood protection sought by the provisions of this Ordinance 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 Ordinance does not imply that areas outside any identified flood prone area or that land uses permitted within such areas, will be free from flooding or flood damages.

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

**ARTICLE II**  
**ADMINISTRATION**

**Section 201 Enforcement**

201.1 Appointment of Enforcing Officer -- This Ordinance shall be enforced, in accordance with its literal terms, by the Township Zoning Officer, who shall be appointed by the Supervisors.

201.2 Duties and Powers

201.2.1 The Zoning Officer shall receive and examine all applications for Conditional Use Permits and shall issue or deny a Conditional Use Permit in accordance with the provisions of this Ordinance.

201.2.2 The Zoning Officer shall have the right, after giving appropriate notice, to make an inspection of buildings or land necessary for the proper execution of his duties.

201.2.3 The Zoning Officer shall issue a written notice of violation to any person, firm or corporation violating any provision of this Ordinance.

201.2.4 The Zoning Officer shall keep records of applications for permits issued and denied, of notices issued for violations, of inspections made, of complaints received and other pertinent matters, a summary record of which shall be transmitted monthly to the Supervisors.

**Section 202 Permit Required**

202.1 Conditional Use Permit -- A Conditional Use Permit shall be required for all proposed construction and development within a flood prone area.

202.2 Application Procedures -- All applications submitted to the Zoning Officer for a Conditional Use Permit as designated by this Ordinance, shall be accompanied by five (5) copies of a Site Development Plan and all supporting documentation, prepared in accordance with the provisions contained in Section 203 of this Ordinance. Six (6) copies of all plans and supporting documentation shall be submitted when an application involves property within five hundred (500) feet of an adjacent municipality. Seven (7) copies of all plans and supporting documentation shall be submitted when an application involves a watercourse bordering an adjacent municipality. Two (2) additional copies of all plans and supporting documentation shall be added to the above requirements when an application involves the alteration or relocation of any watercourse. A Conditional Use Permit shall be issued or denied by the

Zoning Officer within ninety (90) days after the filing of a complete and properly prepared application, subject to review by the Planning Commission and upon written order of the Supervisors in accordance with the following procedures. All applicants must be owners of record or equitable owners of the property in question.

202.3 Township Referrals -- Within ten (10) days of the filing of a complete and properly prepared application for a Conditional Use Permit, the Zoning Officer shall transmit one (1) copy of such application to the Township Engineer, one (1) copy to the Planning Commission and one (1) copy to the Supervisors.

#### 202.4 County Referrals

202.4.1 One (1) copy of all applications shall be transmitted by the Zoning Officer to the County Conservation District for review and comment.

202.4.2 One (1) copy of any application which involves property within a distance of five hundred (500) feet of an adjacent municipality shall be transmitted by the Zoning Officer to the County Planning Commission for review and comment.

202.4.3 One (1) copy of any application which involves a watercourse boarding an adjacent municipality shall be transmitted by the Zoning Officer to the affected municipality for review and comment.

202.4.4 One (1) copy of any application which involves the alteration or relocation of any watercourse shall be transmitted by the Zoning Officer to the Federal Insurance Administrator and the Department of Community and Economic Development for review and comment.

202.4.5 Such transmittal's shall be made within ten (10) days of receipt of said applications. The Township shall consider the agencies or municipalities comments if such comments are received within thirty (30) days of the date of transmittal.

202.5 Township Review -- In reviewing an application for a Conditional Use Permit, the Township shall take into consideration all factors relating to the health, safety and welfare of the public in general and of the residents of the immediate neighborhood in particular. Such factors shall include but are not limited to:

202.5.1 The danger to life and property due to increased flood heights or velocities caused by encroachments.

202.5.2 The danger that materials may be swept on to other lands or downstream to the injury of others.

202.5.3 The proposed water supply and sanitation systems and the ability of

these systems to prevent disease, contamination and unsanitary conditions.

202.5.4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

202.5.5 The importance of the services provided by the proposed facility to the community.

202.5.6 The necessity of the facility for a waterfront location.

202.5.7 The availability of alternative locations not subject to flooding for the proposed use.

202.5.8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

202.5.9 The relationship of the proposed use to the comprehensive plan and any flood plain management program for the area.

202.5.10 The safety of access to the property in times of flood of ordinary and emergency vehicles.

202.5.11 The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

202.6 Planning Commission Action -- Within forty-five (45) days of the filing of the application with the Zoning Officer, the Planning Commission shall act to recommend to the Supervisors that the application be approved, approved with modifications or disapproved. Failure on the part of the Planning Commission to act within the time specified shall be construed as a favorable recommendation.

202.7 Supervisors Action

202.7.1 Within eighty (80) days of the filing of the application with the Zoning Officer, the Supervisors shall review all recommendations and transmit an order, in writing, to the Zoning Officer to approve, approve with modifications or disapprove the application for a Conditional Use Permit.

202.7.2 The meeting scheduled for consideration of the application shall be a public hearing. Notice of said public hearing shall be given by the Township in accordance with provisions contained in the Pennsylvania Municipalities Planning Code.

202.8 Zoning Officers Action -- Within ninety (90) days of the filing of an application with the Zoning Officer, the Zoning Officer shall either issue a Conditional Use Permit in

accordance with the Supervisor's written order or notify the applicant in writing as to any modifications required for approval or of the reasons why said permit is being denied.

#### **202.9 Other Permit Requirements**

202.9.1 Prior to the issuance of a Conditional Use Permit, the Zoning Officer shall insure that all other necessary government permits required by State and Federal laws have been obtained. Such permits will be identified by name in the Supervisor's order to the Zoning Officer and shall include, but shall not be limited to, those permits required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended), the Pennsylvania Clean Streams Act (Act 1937-394, as amended) and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334.

No Conditional Use Permit shall be issued until approved copies of all required permits have been supplied to the Township.

202.9.2 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 first been obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and the Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

#### **Section 203 Site Development Plans**

203.1 No Conditional Use Permit shall be issued by the Zoning Officer, except upon authorization by the Supervisors and in conformity with the Site Development Plan approved with the application.

203.2 The Site Development Plan shall be prepared by a civil engineer, land surveyor, land planner, architect or other qualified professional.

203.3 Site Development Plans shall contain or be accompanied by the following information:

203.3.1 Name and address of applicant.

203.3.2 Name and address of record owner of land on which proposed construction/development is to occur.

203.3.3 Name and address of contractor.

203.3.4 Lot, block and section number of the property if part of a recorded subdivision.

203.3.5 Name, address, license number and seal of person preparing the plan.

203.3.6 Date, north arrow and written and graphic scale.

203.3.7 All property and lot lines including dimensions (bearings and distances) and the size of the site expressed in acres or square feet.

203.3.8 Names of adjoining property owners.

203.3.9 Existing deed restrictions or covenants which apply to the property.

203.3.10 Location of existing or proposed buildings or structural improvements.

203.3.11 Location of all existing streets, drives, accessways and parking areas, with information concerning widths, pavement types, construction and elevations. Include street names, where available.

203.3.12 Location, elevation and time of use of any proposed outdoor lighting or public address system.

203.3.13 Location and plans for any outdoor signs.

203.3.14 Any proposed landscaping, screening or grading.

203.3.15 Location and elevation of existing and proposed water lines, storm sewers, sanitary sewers or alternate means of water supply, storm drainage and sewage disposal.

203.3.16 Existing and proposed contours at an interval of not more than two (2) feet. Contours and all elevations shall be established from or related to USGS Quadrangles (National Geodetic Vertical Datum of 1929).

203.3.17 Spot ground elevations, where appropriate.

203.3.18 Lowest floor (including basement) elevation.

203.3.19 Power source and elevation.

203.3.20 Location of any existing bodies of water or watercourses, identified 100 year flood elevation line, information pertaining to the floodway and flow of water

including direction and velocity.

203.3.21 Any existing or proposed stream improvements or protective work and all floodproofing measures.

203.3.22 Extent and type of soils and vegetation present on the site.

203.3.23 Location plan at a reduced scale.

203.3.24 A cross-section drawn to a suitable scale, taken at the site of the construction/development showing the existing ground line, existing water line, 100 year flood elevation under existing conditions, proposed improvements, 100 year flood elevation after proposed improvements. Supplementary calculations supporting the flood elevations shall accompany the cross-section.

203.3.25 A certification by a professional engineer which contains a complete and accurate description of the cumulative effects the proposed development will have on the one hundred (100) year flood elevation and flow when combined with all other existing and anticipated development. The statement shall set forth the one hundred (100) year flood discharge and the regulatory flood elevation and flood protection elevation at the site following construction of the proposed improvements and shall specifically state that the proposed improvements will not increase the elevation of the one hundred (100) year flood more than 0.5 feet at any point.

203.3.26 A completed Building Permit application form.

203.3.27 Plans of all proposed buildings, structures or other improvements, drawn at a suitable scale showing the following. A brief description of all proposed work shall be included on the plan, together with an estimated cost of the proposed improvements.

203.3.27.1 Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate.

203.3.27.2 The elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.

203.3.27.3 The elevation of the 100 year flood.

203.3.27.4 Complete information concerning flood depths, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

203.3.27.5 Detailed information concerning any proposed floodproofing measures.

203.3.28 A certification by a professional engineer or architect stating that the proposed construction has been adequately designed to withstand the flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. The statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the proposed construction.

203.3.29 A notarized statement by the applicant that he has in fact reviewed the prepared plans, has had the same explained to him by the professional responsible for the plans, and agrees with the submittal.

203.3.30 The appropriate component of the DEP Land Planning Module, if required.

203.3.31 A plan meeting DEP erosion and sedimentation control requirements, where excavation or grading is proposed. Emphasis shall be laced on areas below the flood protection elevation.

203.3.32 Evidence that any applicable Federal or State permit has been applied for. Copies of all such approved permits shall be transmitted to the Zoning Officer prior to his issuance of a Conditional Use Permit. A listing of all required permits shall be placed on the plan.

203.3.33 Detailed information with respect to buoyant, flammable, explosive or other hazardous materials on the site and the method of compliance with Paragraphs 402.6 and 403 of this Ordinance. The information shall include a statement of the amount, location and purpose of all dangerous material which may be used, produced, stored or maintained on the site and a detailed description of the safeguards incorporated to prevent leaks or spills.

203.4 Site Development Plans shall provide all information in sufficient detail and clarity to enable the Supervisors to determine that: I) the proposal is consistent with the need to minimize flood damage and conforms with the requirements of this and all other applicable codes and ordinances; ii) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and iii) adequate drainage is provided so as to reduce exposure to flood hazards.

#### **Section 204 Plan Revisions**

After the issuance of a Conditional Use Permit by the Zoning 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 of the Supervisors. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for transmittal to the Supervisors for consideration.

## **Section 205 Fees**

An application for a Conditional Use Permit shall be accompanied by a fee as set forth by a resolution duly adopted by the Supervisors. The application fee is not refundable. Any required fees pursuant to the requirements of the Zoning Ordinance as they relate to the permit shall also be paid.

## **Section 206 Construction Time Limits**

Any Conditional Use Permit shall expire if construction has not commenced within one (1) year after the date of issuance, or has not been completed within three (3) years from said date, unless an extension, not to exceed six (6) months, is authorized in writing by the Zoning Officer. Construction shall be considered to have commenced with the clearing and grading of land, the excavation for footings, piers or foundations, or the installation of sewer, water or other utility service lines.

## **Section 207 Inspection and Revocation**

207.1 Construction and/or development within a flood prone area is subject to inspection by the Zoning Officer or any other inspector appointed by the Supervisors. If it is determined that the work is not in compliance with the permit application and with all other applicable Township regulations, the applicant shall be given notice by the Zoning Officer of the alleged violation.

207.2 Notices of violation shall be in writing; shall include a statement of the reasons for its issuance; shall allow reasonable time, not to exceed a period of thirty (30) days, for the performance of any act it requires; shall be served upon the applicant personally or by certified mail at his last known; and shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of the permit and this Ordinance.

## **Section 208 Penalties**

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Zoning 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) Dollars nor more than Six Hundred (\$600) Dollars plus cost of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of

a fine or penalty for any violation of, or noncompliance with, this Ordinance 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 noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Township Supervisors to be a public nuisance and abatable as such.

## **Section 209 Appeals**

209.1 Any person aggrieved by an action or decision of the Zoning Officer concerning the administration of this Ordinance, may appeal to the Supervisors. Such appeal must be filed, in writing within thirty (30) days after the decision or action of the Zoning Officer.

209.2 Upon receipt of such appeal, the Supervisors shall set a time and place, within thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

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

## **Section 210 Variances**

210.1 If compliance with any of the requirements of this Ordinance results in an undue hardship to an applicant, the Supervisors may, upon request, grant a variance to such applicant from the strict application of the requirements.

210.2 Variances shall not be issued if such variances result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, fraud, the victimization of the public, or a conflict with other applicable State or Local Ordinances.

210.3 Variances shall only be issued if the applicant demonstrates that there is good and sufficient cause and that failure to grant the variance would result in undue hardship to the applicant. The rationale for the granting of variances shall generally follow that which is provided in Section 912 (Variances) of the Municipalities Planning Code.

210.4 Variances issued shall involve only the least modification necessary to provide relief.

210.5 The Supervisors may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the health, safety and welfare of the public and to

achieve the objectives of this Ordinance.

210.6 Whenever a variance is granted, the Supervisors shall notify the applicant in writing that the granting of the variance may result in increased premium rates for flood insurance and that such variance may increase the risk to life and property. Such notification shall be maintained by the Township with a record of all variance actions, including justification for their issuance. Variances will be submitted to the Federal Insurance Administration in the Township's annual report.

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

210.8 No variance shall be granted for any prohibited use in Article V. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 403).

**ARTICLE III**  
**DESIGNATION OF FLOOD PRONE AREAS**

**Section 301 Establishment of Flood Prone Areas**

301.1 The Township of Lehman, Pike County, Pennsylvania hereby establishes flood prone areas to include all areas subject to inundation by waters of a one hundred (100) year flood. The source of the delineation of the flood prone areas shall be the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for Lehman Township by the Federal Emergency Management Agency (FEMA), dated 6 October 2000, or the most recent revision thereto.

301.2 Flood prone areas shall consist of the following two specific areas/districts:

301.2.1 The AE Area/District 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.

301.2.2 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.

**Section 302 Determination of the Regulatory Flood Elevation**

302.1 Within an AE Zone, the regulatory flood elevation shall be the one hundred (100) year flood elevation established by FEMA in the FIS.

302.2 Within an A Zone, when it has been determined or if it is suspected that a given project is located within a flood prone area, the Township will 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 other qualified professionals, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow a thorough technical review by the Township. Floodway information identified from Federal, State, or other acceptable sources shall be used when available.

- a. Corps of Engineers - Flood Plain Information Reports
- b. US Geological Survey - Flood Prone Quadrangles
- c. USDA, Soil Conservation Service - County Soil Surveys (Alluvial Soils) or PL 566 Flood Information

d. Pennsylvania Department of Environmental Protection Flood Control Investigations

e. Known Highwater Marks from Past Floods

f. Other sources

302.3 Increases in flood heights caused by encroachments shall not exceed 0.5 feet in any one or for the cumulative effect of several reaches. Such computations for increased flood heights shall be based upon the assumption that there will be an equal degree of encroachment on both sides of the stream within that reach.

### **Section 303 Boundary Change**

The delineation of flood prone areas may be revised or modified by the Supervisors 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 or such other agency as said Administration may designate.

### **Section 304 Boundary Disputes**

Should a dispute concerning the boundary of any flood prone area arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Supervisors. The burden of proof shall be on the applicant.

**ARTICLE IV**  
**SPECIFIC REQUIREMENTS**

**Section 401 General**

401.1 Within any flood prone area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

401.2 Within any flood prone 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.

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

401.4 Within any flood prone area, the elevation of the lowest floor (including basement) of an new or substantially improved non-residential structure shall be one and one-half (1-1/2) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

401.5 Non-Residential structures which are not elevated in accordance with Paragraph 401.4 above 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" (U.S. Army Corps of Engineers, June 1972, as amended March 1992).

401.6 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.

401.7 Within any flood prone area, nor new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed construction, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one-half (0.5) feet at any point.

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

**Section 402 Design and Construction Standards**

The following minimum standards shall apply to all construction and development within any identified flood prone areas.

402.1 Fill - If fill is used, it shall:

402.1.1 Extend laterally at least fifteen (15) feet beyond the building line from all points and be at or above the flood protection elevation.

402.1.2 Consist of soil or small rock materials only, sanitary landfills shall not be permitted.

402.1.3 Be compacted to provide the necessary permeability and resistance to erosion, scour or settlement.

402.1.4 Be no steeper than one (1) vertical to two (2) horizontal.

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

402.2 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

402.3 Water and Sanitary Sewer Facilities and Systems

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

402.3.2 Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

402.3.3 No part of any on-site sewage system shall be located within any identified flood prone 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.

402.4 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.

402.5 Streets

The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.

#### 402.6 Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and are not listed in Section 403, Development Which May Endanger Human Life, shall be stored at or above the flood protection elevation and/or floodproofed to the maximum extent possible.

#### 402.7 Placement of Buildings and Structures

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

#### 402.8 Anchoring

402.8.1 All buildings and structures shall be firmly anchored to prevent flotation, collapse, or lateral movement.

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

#### 402.9 Floors, Walls and Ceilings

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

402.9.2 Plywood used at or below the flood protection elevation shall be of a "marine" or water-resistant variety.

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

402.9.4 Windows, doors, and components at or below the flood protection elevation shall be made of metal or other water-resistant material.

#### 402.10 Paints and Adhesives

402.10.1 Paints or other finishes used at or below the flood protection elevation shall be of "marine" or water-resistant quality.

402.10.2 Adhesives used at or below the flood protection elevation shall be of a "marine" or water-resistant paint or other finishing material.

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

#### 402.11 Electrical Components

402.11.1 Electrical distribution panels shall be at least three (3) feet above the flood protection elevation.

402.11.2 Separate electrical circuits shall serve lower levels and shall be dropped from above.

#### 402.12 Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the flood protection elevation.

#### 402.13 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 in the event that flood water infiltration occurs.

### **Section 403 Development Which May Endanger Human Life**

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

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium carbide
- e. Carbon disulfide
- f. Celluloid
- g. Chlorine

- h. Hydrochloric acid
- I. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen
- l. Petroleum products (gasoline, fuel oil, etc.)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulphur and sulphur products
- q. Pesticides (including insecticides, fungicides, and rodenticides)
- r. Radioactive substances, insofar as such substances are not otherwise regulated.

403.2 Where permitted within any identified flood prone area, any new or substantially improved structure of the kind described in paragraph 403.1 above, shall be:

403.2.1 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.

403.2.2 Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

403.3 Any such structure, or part thereof, that will be built below the flood protection elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

404.4 Any structure of the kind described in paragraph 403.1, above, shall be prohibited from any floodway area.

#### **Section 404 Special Requirements for Manufactured Homes**

404.1 Where permitted within any identified flood prone area, all manufactured homes and additions thereto, in addition to the other applicable requirements of this Ordinance, shall be:

404.1.1 Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

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

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

c. All components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4800) pounds.

404.1.2 Elevated in accordance with the following requirements:

a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be one and one-half (1-1/2) feet or more above the elevation of the one hundred (100) year flood.

b. Adequate surface drainage is provided.

c. Adequate access for a hauler is provided.

d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

404.1.3 Placed on a permanent foundation.

404.2 An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors.

**ARTICLE V**  
**USES SPECIFICALLY PROHIBITED**

**Section 501 General**

The following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located, either entirely or partially, within a flood prone area.

- a. Hospitals (public or private)
- b. Nursing Homes (public or private)
- c. Jails or prisons.
- d. Manufactured home parks and manufactured home subdivisions.
- e. Facilities necessary for emergency response, such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

**Section 502 Prohibition**

Because of the special hazard presented by the above list of activities and development, they shall be prohibited from locating within a flood prone area within Lehman Township.

**ARTICLE VI**  
**EXISTING STRUCTURES IN FLOOD PRONE AREAS**

**Section 601 General**

Structures existing in any identified flood prone area prior to the enactment of this Ordinance may continue to remain subject to the following sections.

**Section 602 Floodway Areas**

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.

**Section 603 All Flood Prone Areas**

No expansion or enlargement of an existing structure shall be allowed within any flood prone area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one-half (0.5) feet to any point.

**Section 604 Substantial Improvement**

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

**Section 605 Limited Improvement**

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

## **ARTICLE VII** **DEFINITIONS**

### **Section 701 General**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular includes the plural and the plural includes the singular.

### **Section 702 Specific Definitions**

**Applicant** -- A landowner or equitable owner who has filed an application for a Conditional Use Permit.

**Accessory Use or Structure** -- A subordinate use or structure, the purpose of which is incidental to that of the main use or structure and on the same lot.

**Basement** -- Any area of a building having its floor below ground level on all sides.

**Building** -- Any type of structure designed for the shelter of people, animals or property.

**Certification** -- A statement that data is accurate to the best of the certifier's knowledge; that analyses have been performed correctly and in accordance with sound engineering practice; that structures have been designed in accordance with sound engineering practices to provide protection from the base flood; or that the structure has been built in accordance with the plans certified, is in place and is fully functional. It does not constitute a warranty or guarantee of performance, expressed or implied.

**Completely Dry Space** -- A space that remains totally dry during flooding. The structure is designed to prevent the passage of water and water vapor.

**Construction** -- Any new construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure. Included shall be the affixing of any prefabricated structure and/or mobile home to the surface.

**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, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

**Essentially Dry Space** -- A space that 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 -- 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 unusual and rapid accumulation of surface waters from any source.

Floodproofing -- Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate of improve real property, water and sanitary facilities, structures and their contents.

Flood Prone Area -- An area of land which has been or may hereafter be covered by flood water of the one hundred (100) year flood, or subject to erosion caused by a one hundred (100) year flood.

Flood Protection Elevation -- The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

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

Identified floodplain (prone) area -- That area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Lowest Floor -- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home -- A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. 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.

Minor Repair -- The replacement of existing work with equivalent materials for the

purpose of its routine maintenance and upkeep, but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

New Construction -- Structures for which the start of construction commenced on or after 19 December 1984 and includes any subsequent improvements thereto.

Obstruction -- Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

Person -- An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights or duties.

Planning Commission -- The Lehman Township Planning Commission.

Recreational Vehicle -- A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation -- The one hundred (100) year flood elevation.

Structure -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision --

a. A division or redivision of any part, parcel or area or land by any means into two (2) or more lots or parcels, including changes in existing property lines for any purpose, whether immediate or future, with appurtenant roads, streets, lanes, alleys and driveways, whether or not dedicated or intended to be dedicated to public use. Provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

b. Any development of a parcel of land (for example, as a shopping center,

industrial park or multiple dwelling project) which involves installation of streets, driveways and/or alleys, and which contemplates the occupancy of the improvements on the parcel by tenants (either commercial or residential), whether or not the streets and alleys may be dedicated to public use and whether or not the parcel may be immediately divided for the purpose of conveyance, transfer or sale.

Substantial Damage -- Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.

Supervisors -- The Board of Supervisors of Lehman Township, Pike County, Pennsylvania.

Township Engineer -- The professional engineer designated by the Supervisors to perform all duties required of the Township Engineer by the provisions of this Ordinance.

Zoning Officer -- The person designated by the Supervisors to perform all duties required of the Zoning Officer by the provisions of this Ordinance.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Lehman, Pike County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_ 2001.

TOWNSHIP OF LEHMAN

\_\_\_\_\_  
Walter P. Bensley  
Chairman

ATTEST: \_\_\_\_\_  
Robert H. Rohner, Jr.  
Township Secretary  
(Township Seal)

\_\_\_\_\_  
John P. Sivick  
Supervisor

\_\_\_\_\_  
Richard Vollmer  
Supervisor