

Chapter 4

Buildings

Part 1

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Part 1**Building Permits and Floodplains****A. General Provisions****§4-101. Intent.**

The intent of this Part is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(Ord. 79-1, 12/5/1979, §1.00)

§4-102. Applicability.

1. It shall be unlawful for any person to undertake, or cause to be undertaken, any construction or development or razing of any building or structure anywhere within the Borough unless an approved building permit has been obtained from the appropriate Building Permit Officer. [*Ord. 2006-1*]

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

(Ord. 79-1, 12/5/1979, §1.01; as amended by Ord. 2006-1, 12/6/2006)

§4-103. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part 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.

(Ord. 79-1, 12/5/1979, §1.02)

B. Administration**§4-111. Permits Required.**

Building permits shall be required before any construction or development is undertaken within any area of the Borough and before any building or structure is razed.

(*Ord. 79-1, 12/5/1979, §2.00*)

§4-112. 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 such as those required by State and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*, and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made. [*Ord. 2006-1*]

3. Permits required by any governmental unit or agency shall be the sole responsibility of the applicant. The issuance of a building permit by the Building Permit Officer shall not be construed to imply that all necessary permits have been obtained. (*Ord. 79-1, 12/5/1979, §2.01; as amended by Ord. 2006-1, 12/6/2006*)

§4-113. Application Procedures.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. Such application shall contain at least the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location.
- E. Listing of other permits required.
- F. Proposed lowest floor and basement elevations in relation to mean sea level, i.e., National Geodetic Vertical Datum of 1929 (required only in event land involved is in an identified floodplain area).
- G. Brief description of proposed work and estimated cost.
- H. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures and structure distance from lot line. [*Ord. 2006-1*]

2. *Development or Construction in Floodplain Areas.*

- A. 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:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.

(2) All utilities and facilities, such as sewer, gas electrical and water systems, are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

B. 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:

(1) A completed building permit application form.

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

(a) North, arrow, scale and date.

(b) Topographic contour lines, if available.

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

(d) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.

(e) The location of all existing streets, drives, and other accessways.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(b) The elevation of the 100-year flood.

(c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.

(d) Detailed information concerning any proposed flood-proofing measures.

(4) The following data and documentation:

(a) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(b) Detailed information needed to determine compliance with

Federal Rules and regulations §4-181, "Development Which May Endanger Human Life," including:

- (i) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
- (ii) 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 §4-181 during a 100-year flood.
- (c) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (d) 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.

[*Ord. 91-1*]

(*Ord. 79-1, 12/5/1979, §2.02; as amended by Ord. 91-1, 7/3/1991, §I; and by Ord. 2006-1, 12/6/2006*)

§4-114. 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 Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. Recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

(*Ord. 79-1, 12/5/1979, §2.03; as amended by Ord. 2006-1, 12/6/2006*)

§4-115. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in any 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, Borough Engineer, etc.) for review and comment.

(*Ord. 79-1, 12/5/1979, §2.04*)

§4-116. Changes.

After the issuance of a building permit by the Building Permit Officer, no change 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.

(*Ord. 79-1, 12/5/1979, §2.05*)

§4-117. Display.

A copy of the building permit issued by the Building Permit Officer shall be displayed on the premises during the time construction is in progress.

(*Ord. 79-1, 12/5/1979, §2.06*)

§4-118. Start of Construction.

Work on the proposed construction shall begin within 6 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. Construction shall be considered to have started with the first placement of permanent construction of a structure on the site such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas, and waterpipes, or electrical or other service lines from the street.

(Ord. 79-1, 12/5/1979, §2.07)

§4-119. Inspection and Revocation.

1. Upon completion of the work, the holder of the permit shall report such completion to the Building Permit Officer who may after completion, or at any time during the construction period, inspect the premises to determine that the work was completed or is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the 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 Council of the Borough for whatever action it considers necessary.

2. In addition to the final inspection, one rough inspection is required for all construction. The holder of the permit shall notify the Building Permit Officer prior to the closing of walls and ceilings that construction has proceeded to the state that the plumbing, electrical, mechanical and other work affecting the health or safety has been installed. If, upon inspection, the Building Permit Officer determines that the work is not in accordance with applicable laws and ordinances, the Officer shall order the work to be re-done or remedied and if not as ordered by the Officer may revoke the building permit and report such fact to the Council of the Borough for whatever action it considers necessary.

(Ord. 79-1, 12/5/1979, §2.08; as amended by Ord. 2006-1, 12/6/2006)

§4-120. Fees.

1. Applications for a building permit shall be accompanied by a fee, payable to the Borough, based upon the estimated or contracted costs of the proposed construction in accordance with a schedule as established from time to time by resolution of Borough Council.

2. Upon completion of project for which permit has been issued, applicant shall certify actual costs of the project as completed and shall pay a fee to the Borough for any excess of said costs over the estimated costs upon which the permit was originally

issued.

3. The fee to raze a residential structure, commercial or industrial structure shall be in an amount as established from time to time by resolution of Borough Council.

(*Ord. 79-1*, 12/5/1979, §2.09; as amended by *Ord. 89-3*, 1/4/1989, §1; and by *Ord. 2006-1*, 12/6/2006)

§4-121. Enforcement.

1. *Notices.* Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto of any issued permit, such authority shall give notice to 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 for the performance of any act it requires; (D) be served upon the property owner or his agent, or the holder of the issued permit as the case may required; provided, however, that such notice or order shall be deemed to have been properly served upon such owner, agent, or holder when a copy thereof has been served 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 Part, or any part thereof, and with the regulations adopted pursuant thereto.

2. *Hearings.* Any person aggrieved by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Council of the Borough provided that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension, if any. Upon receipt of such petition, the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided that upon application of the petitioner, the Borough Secretary may postpone the date of the hearing for a reasonable time beyond such 10 day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

3. *Findings and Order.* After such hearing the Council of the Borough shall make findings as to compliance with the provisions of this Part and regulation issued thereunder and shall issue an order in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in subsection .1. of this Section.

4. *Record and Appeals.* The proceedings at such a hearing, including the findings and decision of the Council of the Borough together with a copy of every notice and order related thereto shall be entered as a matter of public record in the Borough but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by a decision of the Borough may seek relief therefrom in any court of competent jurisdiction, as provided by laws of this Commonwealth.

5. *Penalties.* Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality, issued pursuant hereto shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated 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 Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part 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 such reasonable time as set by the Council. Any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Part may be declared by the Council to be a public nuisance and abatable as such.

(*Ord. 79-1, 12/5/1979, §2.10; as amended by Ord. 2006-1, 12/6/2006*)

§4-122. Appeals.

1. Any person aggrieved by an action (other than that set forth in §4-121.1) or decision of the Building Permit Officer, or by any of the requirements of this Part, may appeal to the Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer. Upon receipt of such appeal the Council shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

2. Any person aggrieved by any decision of the Council, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

(*Ord. 79-1, 12/5/1979, §2.11*)

C. Identification of Floodplain Areas

§4-131. Identification.

1. The identified floodplain area shall be those areas of Glendon Borough which are subject to the 100-year flood, as identified in the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated April 6, 2001, or the most recent revision thereof. [Ord. 01-1]

2. A map showing all areas considered to be floodplain is available for inspection at the Borough offices. For the purposes of this Part the following nomenclature is used in referring to the various kinds of floodplain areas.

(Ord. 79-1, 12/5/1979, §3.00; as amended by Ord. 91-1, 7/3/1991, §II; and by Ord. 01-1, 4/4/2001, Art II.A)

§4-132. Description of Floodplain Areas.

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

A. *FW (Floodway Area)* - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA. [Ord. 01-1]

B. *FF (Flood-Fringe Area)* - the remaining portions of the 100-year floodplain in those areas identified in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study. [Ord. 01-1]

(Ord. 79-1, 12/5/1979, §3.01; as amended by Ord. 91-1, 7/3/1991, §II; and by Ord. 01-1, 4/4/2001, Art. II.B. C)

§4-133. Changes in Identification of Floodplain Areas.

1. The areas considered to be floodplain may be revised or modified by the Council of the Borough where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

2. No modification or revision of any area identified as being floodplain in Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 79-1, 12/5/1979, §3.02; as amended by Ord. 91-1, 7/3/1991, §II)

§4-134. Disputes.

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Building Permit Officer and any aggrieved by such decision may appeal to the council. The burden of proof shall be on the appellant.

(Ord. 79-1, 12/5/1979, §3.03; as amended by Ord. 91-1, 7/3/1991, §II)

D. Technical Provisions

§4-141. General.

1. 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Waterways Engineering. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office, shall be notified by the municipality prior to any alteration or relocation of any watercourse. [Ord. 01-1]

2. Where a floodplain area has been identified which includes a floodway area, the following provisions apply: [Ord. 91-1]

A. Within any designated Floodway (FW) Area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the rise in the 100-year (base) flood heights caused by the proposed development is fully offset by accompanying improvements. The floodway area is based on the criteria that the portion of the floodplain selected must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than 1 foot at any point. The floodway is shown on the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself. [Ord. 01-1]

B. Within any designated Flood-Fringe (FF) Area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances, and regulations.

(Ord. 79-1, 12/5/1979, §4.00; as amended by Ord. 91-1, 7/3/1991, §II; and by Ord. 01-1, 4/4/2001, Art. I.A, .B, .C)

§4-142. Elevation and Floodplain Requirements

1. *Residential Structures.* Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the 100-year flood elevation. Enclosed areas below the lowest floor (including basement) are prohibited.

2. *Nonresidential Structures.*

A. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the 100-year flood elevation or be floodproofed up to that height.

B. Any nonresidential structure, or part thereof having a lowest floor (including basement) which is not elevated to at least 1½ feet above the 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 "Floodproofing 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.

C. Enclosed areas below the lowest floor (including basement) are prohibited. (Ord. 79-1, 12/5/1979, §4.01; as amended by Ord. 91-1, 7/3/1991, §III)

§4-143. Design and Construction Standards.

The following minimum standards shall apply for all construction proposed to be undertaken within any identified floodplain area:

A. *Fill*. If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points.

(2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

(4) Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Building Permit Officer.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. *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 drainage at all points 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.

C. *Sanitary Sewer Facilities*. All new or replacement sanitary sewer facilities, sewage disposal systems, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flow waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

D. *Water Facilities*. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

E. *Streets*. The finished elevation of proposed new streets shall be no more than 1 foot below the regulatory flood elevation.

F. *Utilities*. All utilities such as gas lines, electrical and telephone systems being placed in identified floodplain areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. *Storage*. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored below the regulatory flood elevation.

H. *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 a minimum effect upon the flow and height of floodwater.

I. *Anchoring.*

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

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

J. *Floors, Walls and Ceilings.*

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

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) 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.

(4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

K. *Paints and Adhesives.*

(1) Paints or other finishes used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

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

L. *Electrical Systems and Components.*

(1) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.

(2) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

(3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. *Plumbing.*

(1) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.

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

(3) Water supply systems and sanitary sewage systems shall be designed

to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

(4) 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.

(*Ord. 79-1, 12/5/1979, §4.01*)

§4-144. Special Requirements for Manufactured Homes.

Where permitted within any identified floodplain area, all manufactured homes and improvements thereto shall be: [*Ord. 01-1*]

A. Placed on a permanent foundation. [*Ord. 91-1*]

B. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood. [*Ord. 91-1*]

C. Anchored to resist flotation, collapse, or lateral movement. [*Ord. 91-1*]

D. Within any identified floodway area, all manufactured homes and any improvements thereto shall be prohibited. [*Ord. 01-1*]

(*Ord. 79-1, 12/5/1979, §4.03; as amended by Ord. 91-1, 7/3/1991, §IV; and by Ord. 01-1, 4/4/2001, Art. II.D*)

E. Variances

§4-151. Variances.

1. If compliance with the elevation or floodproofing requirements of this Part would result in an unnecessary hardship for a prospective builder, development, or landowner, the Borough may, upon request, grant relief from the strict application of the requirement.

2. Requests for variances shall be considered by the Borough in accordance with the procedures contained in §4-122.1 and the following procedures:

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

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

C. In granting any variance, the Borough 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 Part.

D. Whenever a variance is granted, the Borough shall notify the applicant in writing that:

(1) The granting of the variance may result in an increased premium rate for flood insurance.

(2) Such variance may increase the risks of life and property.

E. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the variance would result in unnecessary hardship to the applicant.

(3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinance and regulations.

F. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual or biannual report to the Federal Insurance Administrator. [*Ord. 91-1*]

(*Ord. 79-1, 12/5/1979, Art. V; as amended by Ord. 91-1, 7/3/1991, §V*)

F. Existing Structures in Floodplain Areas**§4-161. Existing Structures in Floodplain Areas.**

Structures existing in any identified floodplain area prior to the enactment of this Part, but which are not in compliance with these provisions, may continue to remain subject to the following:

A. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on the one hundred year (base) flood heights is fully offset by accompanying improvements. [*Ord. 01-1*]

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

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be considered a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part. [*Ord. 01-1*].

(*Ord. 79-1, 12/5/1979, Art. VI; as amended by Ord. 01-1, 4/4/2001, Art. I.D, .E*)

G. Definitions

§4-171. Specific Definitions.

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application:

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 91-1]

Basement - any area of the building having its floor subgrade (below ground level on all sides). [Ord. 91-1]

Borough - the Borough of Glendon. [Ord. 91-1]

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be manufactured homes and trailers to be used for human habitation. [Ord. 91-1]

Building Officer - that person appointed by the Borough pursuant to this Part as the Building Officer. [Ord. 91-1]

Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor. [Ord. 01-1]

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes. [Ord. 91-1]

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, and the storage of materials or equipment. [Ord. 01-1]

Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water. [Ord. 01-1]

Flood - a temporary inundation of normally dry land areas. [Ord. 91-1]

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 water course; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. [Ord. 91-1]

Floodproofing - means 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. [Ord. 91-1]

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Part, the floodway shall be capable of accommodating a flood of the 100-year magnitude. [Ord. 91-1]

Historic structure - any structure that is:

- (1) Listed individually in the National Register of Historic Places (a

listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or,

(b) Directly by the Secretary of the Interior in states without approved programs.

[Ord. 01-1]

Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but 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, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. [Ord. 91-1]

Manufactured home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days. [Ord. 91-1]

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 nontransient use. [Ord. 91-1]

New structure - structures for which the start of construction commenced on or after December 5, 1979, and includes any subsequent improvements thereto. [Ord. 01-1].

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. [Ord. 91-1]

One hundred year flood - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1% change of occurring each year, although the flood may occur in any year). [Ord. 91-1]

Permit holder -

- (1) The owner of the premises.
- (2) The applicant for a permit and/or.
- (3) The person to whom the permit is issued.

[Ord. 91-1]

Person - as used in this Part shall be construed to mean and include any natural person or persons, association, partnership, firm, public or private association or corporation, or other entity. [Ord. 91-1]

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet. [Ord. 91-1]

Special permit - special approval which is required for hospitals, nursing homes, jails and new manufactured home parks or subdivision and substantial improvements to such existing manufactured home park or subdivision when such development is located partly or entirely within a designated flood plain. [Ord. 91-1]

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured home or other similar items. [Ord. 91-1]

Subdivision - the division or redivision of a lot, tract, or parcel, of land by any means into two 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 of more than 10 acres, not involving any new street or easement of access or residential dwellings shall be exempted. [Ord. 91-1]

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 50% or more of the market value of the structure before the damage occurred. [Ord. 01-1]

Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's designation as a "historic structure."

[*Ord. 01-1*]

(*Ord. 79-1*, 12/5/1979, Art. 7.01; as amended by *Ord. 89-3*, 1/4/1989, §2; by *Ord. 91-1*, 7/3/1991, §VI; and by *Ord. 01-1*, 4/4/2001, Art. II.E, .F, .G)

H. Development Which May Endanger Human Life

§4-181. Development Which May Endanger Human Life.

1. The provisions of this Part shall be applicable, in addition to any other applicable provisions of this Part, or any other ordinance, code, or regulation.

2. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development, Strategic Planning and Operations Office, 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;

B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises;

C. Will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this Part, 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 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.

3. Within any (FW)/Floodway Area any structure of the kind described in subsection.2, above, shall be prohibited.

4. Where permitted within any (FF)/Flood-Fringe Area or (FA)/General

Floodplain Area, any structure of the kind described in subsection .2, above, shall be:

A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.

B. Designed to prevent pollution from the structure or activity during the course of a 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 flood-proofing contained in the publication Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

5. Within any (FA)/General Floodplain Area, any structure of the kind described in subsection .2, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

6. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Part.

(*Ord. 79-1, 12/5/1979, Art. IX; as amended by Ord. 83-4, 10/5/1983, Art. IX*)

I. Activities Requiring Special Permits

§4-191. Activities Requiring Special Permits.

1. The provisions of this Part 2I shall be applicable, in addition to any other applicable provisions of this Part, or any other ordinance, code, or regulation.

2. *Identification of Activities Requiring a Special Permit.*

A. In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166), 32 P.S. §679.101 *et seq.*, and regulations adopted by the Department of Community and Economic Development, Strategic Planning and Operations Office, as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely 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.

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

3. *Application Requirements:*

Applications for special permits shall provide five copies of the following items:

(1) A written request including a completed building permit application form.

(2) A small scale map showing the vicinity in which the proposed site is located.

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

- (a) North arrow, scale and date.
- (b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
- (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
- (d) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavements types and construction, and elevations.

(e) The location of any existing bodies of water or water-courses, buildings, structures and other public or private facilities, including railroad tracks and facilities and at nether natural and man-made features affecting, or affected by, the proposed activity or development.

(f) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information

concerning the flow of water including direction and velocities.

(g) the location of all proposed buildings, structures, utilities, and any other improvements.

(h) Any other information which the Borough considers necessary for adequate review of the application.

(4) Plans of all proposed buildings, structures and other improvements, clearly and legible drawn at suitable scale showing the following:

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

(b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.

(c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.

(d) Detailed information concerning any proposed floodproofing measures.

(e) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.

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

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

(5) The following data and documentation:

(a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

(b) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

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

(d) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the proposed development will have on 100-year flood elevations and flows.

(e) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or

debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.

(f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." special permit

(g) 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. special permit

(h) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of the Floodplain Management Act, 32 P.S. §679.302. special permit

(i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

4. *Application Review Procedures.*

A. Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

(1) Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by certified mail for its review and recommendations. Copies of the application shall be forwarded to the Borough Planning Commission and an Engineer selected by the Borough for review and comment.

(2) If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respects the application is deficient.

(3) If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

(4) If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, Strategic Planning and Operations Office, by certified mail, within 5 working days after the date of approval.

(5) Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development, Strategic Planning and Operations Office, 30 days, after receipt of the notification by the Department, to review the application and the decision made by the Borough.

(6) If the Borough does not receive any communication from the Department of Community and Economic Development, Strategic Planning and Operations Office, during the 30 day review period, it may issue a special permit to the applicant.

(7) If the Department of Community and Economic Development, Strategic Planning and Operations Office, should decide to disapprove an

application, it shall notify the Borough, and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit.

5. *Technical Requirements for Development Requiring a Special Permit.* In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

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

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

(a) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.

(b) The lowest floor elevation (including basement) will be at least 1 ½ feet above the 100-year flood elevation.

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

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

B. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough, and the Department of Community and Economic Development, Strategic Planning and Operations Office.

6. Within any identified floodplain area, any structure of the kind described in subsection .2, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

7. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Part.

(*Ord. 79-1, 12/5/1979, Art. X, as amended by Ord. 83-4, 10/5/1983, Art. X*)