

STROUD TOWNSHIP FLOODPLAIN ORDINANCE

ORDINANCE NO. 2-2013

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN PERMIT(S) FOR ANY CONSTRUCTION OR DEVELOPMENT WITHIN FLOODPLAIN AREAS AND AREAS OF STROUD TOWNSHIP WHICH ARE SUBJECT TO FLOODING; PROVIDING FOR THE ISSUANCE OF SUCH PERMIT(S); SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN FLOODPLAIN AREAS AND AREAS OF STROUD TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

ARTICLE I. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of Stroud Township does hereby order as follows:

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance 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.
- E. Comply with federal and state floodplain management requirements.

Section 2.02 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Stroud Township unless required permit(s) and/or approvals have been obtained from Stroud Township.
- B. Certain permit(s) shall not be required for minor repairs to existing buildings or

structures.

Section 2.03 Abrogation and Greater Restrictions

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

Section 2.04 Severability and Validity

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable. The Board of Supervisors hereby declares that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

Section 2.05 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or 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 floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

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

ARTICLE III. DEFINITIONS

Section 3.01 General Definitions

Unless specifically defined below, words, phrases and terms not herein defined which are defined in the Pennsylvania Municipalities Planning Code (MPC) or Stroud Township Zoning Ordinance shall have the meanings assigned in the MPC or Zoning Ordinance. Terms not defined in this Ordinance, the MPC or the Zoning Ordinance shall have the meaning customarily assigned to them as found in the most recent edition of *Webster's New World College Dictionary*.

Section 3.02 Specific Definitions

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.

Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - any area of the building having its floor below ground level on all sides.

Board of Supervisors – Stroud Township Board of Supervisors

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

Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood - a temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

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.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structures – any structure that is:

- a. 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;
- b. 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;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

MPC – Pennsylvania Municipalities Planning Code, as may be amended

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 or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public

health or general safety.

New construction - structures for which the start of construction commenced on or after the effective start date (**April 7, 2013**) of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after April 15, 1977 and before the effective start date (**April 7, 2013**) of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PA DEP – Pennsylvania Department of Environmental Protection

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 and duties.

Planning Commission – Stroud Township Planning Commission

Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated April 15, 1977, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated April 15, 1977, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

Recreational vehicle - a vehicle which is:

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light-duty truck,
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to land including, but not limited to, a walled and roofed building, a gas, liquid or storage tank of any kind that is principally above ground or would be subjected to adverse impacts caused by flood conditions as determined by the Township Engineer, as well as a manufactured home.

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, partition by the court for distribution to heirs, or devisees, 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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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.

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

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Township Engineer – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed or retained as the engineer for the Township or an alternate professional engineer appointed or retained by the Board of Supervisors.

Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC, as may be amended.

Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Watercourse – A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

ARTICLE IV. ADMINISTRATION

Section 4.01 Designation of the Floodplain Administrator

The Township Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and

responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations as authorized by the Board of Supervisors. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by a Township Code Enforcement Officer.

Section 4.02 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator may issue applicable permit(s) only after it has been determined that the proposed activity, construction or development to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances, provided all other required permits and approvals from the Township and other governmental agencies are granted.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development, Zoning, Building or Conditional Use Permit, the Floodplain Administrator shall review the history of repairs to the subject structure so that any repetitive loss issues can be addressed before any permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator may revoke any issued permit, issue a stop-work order, and report such facts to the Board of Supervisors for whatever action it considers necessary.

- G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to the FEMA concerning community participation in the National Flood Insurance Program.
- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

Section 4.03 Conditional Use Permit Required

A Conditional Use Permit shall be required for all proposed construction or development within an identified floodplain area except for projects classified herein as uses permitted by right or uses permitted by waiver granted by the Board of Supervisors which will require, at a minimum, a Zoning Permit.

Section 4.04 Uses Permitted By Right

The following activity/uses in identified floodplain areas are permitted by right provided such activity/use does not involve any activities/uses prohibited by Section 6.04 Prohibited Activities and Development:

- A. Trails with a surface width of ten (10) feet or less
- B. Private events, without permanent structures, for a duration of seven (7) days or less and temporary fairs, carnivals or public events for a duration of seven (7) days or less

Section 4.05 Uses Permitted By Waiver

The following activities/uses in identified floodplain areas are permitted by waiver granted by the Board of Supervisors provided such activity/use does not involve permanent structures, except as stipulated below, and does not involve any activities/uses prohibited by Section 6.04 Prohibited Activities and Development:

- A. Agricultural activities
- B. Plant nurseries
- C. Forestry and seed production
- D. Fish hatcheries
- E. Accessory structures for residential purposes of one hundred fifty (150) sq. ft. or less
- F. Private sportsmen's club recreation activities (for example, archery, hunting, horseshoes)

- G. Athletic fields
- H. Orchards
- I. Wildlife sanctuaries
- J. Water Access facilities of one hundred fifty (150) sq. ft. or less for non-motorized watercraft
- K. Trails with a surface width of greater than ten (10) feet
- L. Private events, without permanent structures, for a duration of greater than seven (7) days and temporary fairs, carnivals or public events for a duration of greater than seven (7) days
- M. The following Small Projects if permitted by PA DEP under a Water Obstruction and Encroachment Permit which will have an “insignificant impact” as defined by PA DEP (Title 25 PA Code, Chapter 105.1):
 - 1. Bridges
 - 2. Stormwater conveyance and stormwater management facilities as regulated by the Stroud Township Stormwater Management Ordinance, as may be amended.

Section 4.06 Conditional Use Application Procedures and Requirements

- A. All proposed construction, development, uses and activities within an identified floodplain area not listed in Section 4.04 Uses Permitted By Right and Section 4.05 Uses Permitted By Waiver above shall require Conditional Use approval and Conditional Use Permit. Application for a Conditional Use shall be made in writing to the Floodplain Administrator on forms supplied by Stroud Township. Such application shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the structure before the flood damage occurred where appropriate.
 - 7. A plan of the site showing the exact size and location of the proposed development as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, an applicant for a Conditional Use shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator, Township Engineer and Board of Supervisors 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;
 4. structures will be anchored to prevent floatation, collapse, or lateral movement;
 5. building materials are flood-resistant;
 6. appropriate practices that minimize flood damage have been used; and
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator or Township Engineer:
1. A completed Conditional Use application form.
 2. Ten (10) copies of the entire site plan, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water, intermittent or historically storm-caused watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 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 North American Vertical Datum of 1988;
 - b. the elevation of the base flood;

c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, as may be amended.

4. The following data and documentation:

a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

b. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a floodway area (See Section 5.02A) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 5.02B) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.

d. 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 pressures, velocities, impact and uplift forces associated with the base flood.

e. detailed information needed to determine compliance with Section 6.04.I Development or Activity Which May Endanger Human Life including:

i. the amount, location and purpose of any materials or substances referred to in Section 6.04.I Development or Activity Which May Endanger Human Life 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 Section 6.04.I Development or Activity Which May Endanger Human Life during a base flood.

f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development," if applicable.

g. where any excavation or grading is proposed, a plan meeting the requirements of Stroud Township, Monroe County Conservation District and/or Department of Environmental Protection to implement and maintain erosion and sedimentation control.

D. Applications for a Conditional Use shall be accompanied by a fee according to the Township fee schedule in effect at the time of application payable to Stroud Township.

Any unpaid fees shall be paid prior to permit issuance.

- E. All applications submitted to the Floodplain Administrator for a Conditional Use shall be accompanied by ten (10) copies of a site development plan and all supporting documentation prepared in accordance with the provisions contained in Section 4.06. Two (2) additional copies of all plans and supporting documentation shall be submitted when an application involves property within 500 feet of an adjacent municipality. Two (2) additional 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 proposed alteration or relocation of any watercourse. All applicants must be owners of record or equitable owners of the property in question.
- F. Township Referrals. Within ten (10) business days of the filing of a complete and properly prepared application for a Conditional Use, the Floodplain Administrator shall transmit one (1) copy of such application to the Township Engineer, seven (7) copies to the Planning Commission, one (1) copy to the Secretary of the Board of Supervisors and one (1) copy to each of the following agencies and municipalities, as applicable:
 - 1. One 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 Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.
 - 2. One copy of any application which involves property within a distance of 500 feet of an adjacent municipality shall be transmitted by the Floodplain Administrator to the County Planning Commission for review and comment.
 - 3. One copy of any application which involves a watercourse bordering an adjacent municipality shall be transmitted by the Floodplain Administrator to the affected municipality for review and comment.
 - 4. One copy of any application which involves the alteration or relocation of any watercourse shall be transmitted by the Floodplain Administrator to the Federal Insurance Administrator and the Department of Community and Economic Development, Bureau of Community Planning for review and comment.
 - 5. The Township shall consider the agencies' and/or municipalities' comments if such comments are received within thirty (30) days of the date of transmittal.
- G. Township Review. In reviewing an application for a Conditional Use, 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 and downstream neighborhoods in particular. Such factors shall include, but are not limited to:
 - 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept on to other lands or downstream to the injury of other.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary condition.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The necessity of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the current township or multi-municipal comprehensive plan and any floodplain management program for the area.
10. The safety of access to the property in times of flood of ordinary and emergency vehicle.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

H. Township Planning Commission Action. Within sixty (60) days of the filing of a complete Conditional Use Permit application with the Floodplain Administrator, the Planning Commission shall recommend to the Board of Supervisors that the application be approved, approved with conditions and/or modifications, or disapproved. Failure on the part of the Planning Commission to provide a recommendation to the Board of Supervisors within the time specified shall not be construed as a favorable recommendation.

I. Board of Supervisors' Action.

1. Within 80 days of the filing of a complete Conditional Use Permit application with the Floodplain Administrator, the Board of Supervisors shall review all recommendations and render a decision for approval, approval with conditions and/or modifications or disapproval of the Conditional Use application. Copies of the written decision shall be provided to the applicant and Floodplain Administrator.
2. The meeting(s) scheduled for consideration of the application shall be a public hearing(s). Notice of said public hearing shall be given by the Township in accordance with provisions contained in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

J. Floodplain Administrator's Action. Within 90 days of the filing of a complete application with the Floodplain Administrator, the Floodplain Administrator shall either issue a Conditional Use Permit in accordance with the Board of Supervisors' written order or notify the applicant in writing that their application is denied and the reason(s) why.

Section 4.07 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 Floodplain Administrator to any other appropriate agencies and/or individuals for review and comment.

Section 4.08 Changes

After the issuance of any permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 4.09 Placards

In addition to any issued permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit(s), the date of its issuance, and be signed by the Floodplain Administrator.

Section 4.10 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the permit(s) or the permit(s) shall expire unless a time extension is granted in writing by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

Section 4.11 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of Pennsylvania;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by the Township. Each day that a violation continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate violation. 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. All such persons shall be required to correct or remedy such violations and noncompliance immediately or within a reasonable time as determined by the Floodplain Administrator. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 4.12 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance may appeal to the Board of Supervisors. Such appeal must be filed in writing within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten (10) and not more than thirty (30) days for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be

given to all parties.

- C. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of Pennsylvania including the Pennsylvania Flood Plain Management Act.

ARTICLE V. IDENTIFICATION OF FLOODPLAIN AREAS

Section 5.01 Identification

The identified floodplain area shall be:

- A. any areas of Stroud Township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 2, 2013 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,
- B. Reserved for future Community Identified Flood Hazard Areas, as may be determined by Stroud Township.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Stroud Township and declared to be a part of this ordinance.

Section 5.02 Description and Special Requirements of Identified Floodplain Areas

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

- A. The Floodway Area/District identified as floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS.
 - 1. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within any floodway area unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - 2. No new construction or development shall be allowed, unless all required permits are obtained from the Department of Environmental Protection Regional Office and provided all other required permits and approvals from Stroud Township and other governmental agencies are granted.
- B. The AE Area/District without floodway shall be those areas identified as an AE Zone on

the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

1. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office and provided all other required permits and approvals from Stroud Township and other governmental agencies are granted.
- C. 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-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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

Section 5.03 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

Section 5.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Stroud Township Planning Commission in consultation with the Floodplain Administrator and Township Engineer and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 5.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, Stroud Township shall review flood hazard data affecting the lands subject to boundary changes. Stroud Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE VI. TECHNICAL PROVISIONS

Section 6.01 General

A. Alteration or Relocation of Watercourse

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 first been obtained from the Department of Environmental Protection Regional Office and provided all other required permits and approvals from Stroud Township and other governmental agencies are granted.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:

1. Any development that causes a rise in the base flood elevations within the floodway; or
2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

- D. Within any identified floodplain area (See Section 5.02), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office and provided all other required permits and approvals from Stroud Township and other governmental agencies are granted.

Section 6.02 Design and Construction Standards

The following minimum standards, in addition to all applicable National Flood Insurance Program requirements, shall apply to any construction and development approved within any identified floodplain area:

A. Residential and Non-Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 5.02C of this ordinance.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Manufactured Homes –

1. Within any identified floodplain area manufactured homes shall be prohibited.
2. If a manufactured home(s), or any improvements thereto, are granted a waiver in accordance with the criteria in Article VIII and are located in any identified floodplain area, such home(s) and/or improvements shall be:
 - a. placed on a permanent foundation.
 - b. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the base flood elevation.
 - c. anchored to resist flotation, collapse, or lateral movement.

Installation of manufactured homes shall be done in accordance with the manufactures' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Code Chapter 401-405.

Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit's proposed installation.

D. Historic Structures

See Section 3.02 for requirements for the substantial improvement of any historic structures.

E. Accessory Structures - Structures accessory to a principal building need not be elevated to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 150 square feet.
3. the structure shall have a low damage potential.
4. the structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. No more than two (2) accessory structures shall be permitted per property.

F. Fill

1. Within any identified floodplain area, the use of fill shall be prohibited unless granted by waiver. If a waiver is obtained in accordance with the criteria in Article VIII, then the following provisions apply when fill is used. Fill shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to the Township Engineer for review and recommendation and approved by the Floodplain Administrator; and
 - e. be used to the extent to which it does not adversely affect adjacent properties.

G. 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 ensure 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.

H. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

I. 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.

J. Streets

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

K. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 6.04.I Development or Activity Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation.

L. 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 flood water.

M. 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.

N. 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 flooring 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.

O. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

P. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

Q. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

R. 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.

S. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 6.03 Special Requirements For Subdivision and Land Development

All subdivision proposals and land development proposals containing at least 10 lots or at least 5 acres, whichever is the lesser, partly located in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 6.04 Prohibited Activities and Development

In any identified floodplain area, the following shall be prohibited unless allowed by Section 4.04 Uses Permitted By Right or Section 4.05 Uses Permitted By Waiver.

- A. Buildings - All walled and roofed buildings.
- B. Any new construction or development that will in any manner retard, divert or alter the natural flow of flood waters on the site except activities permitted by the Pennsylvania Department of Environmental Protection under Title 25, Chapter 105 of the Pennsylvania Code, or conveyances required by Title 25, Chapter 102 (See definition of development).
- C. Floodway Construction or Development – No new construction or development shall be permitted in any floodway area or, in the absence of a floodway area, within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Developments of Special Concern
 - 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 shall be prohibited:
 - a. Hospitals

- b. Nursing homes
 - c. Jails or prisons
 - d. Public facilities intended for emergency response or preparedness
2. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

E. Recreational Vehicles

Within any identified floodplain area recreational vehicles shall be prohibited unless granted by waiver. If a waiver is obtained in accordance with the criteria in Article VIII, then the following provisions apply when recreational vehicles are located within any identified floodplain area:

Recreational vehicles by waiver approval may be located in Zones A, A1-30, AH and AE and must either:

1. be on the site for fewer than 180 days over twelve (12) consecutive months, and
2. be fully licensed and ready for highway use, or
3. meet the permit requirements for manufactured homes in Section 6.02C.

No more than two (2) recreational vehicles per property shall be permitted by waiver.

F. Fill – The placement of fill material that is not associated with a permitted activity.

G. Sewage Disposal - On-lot or community subsurface sewage disposal systems.

H. Structures associated with mining or oil and gas production, ie. water storage, fluid containment, or well pads.

I. Development or Activity Which May Endanger Human Life

Any type of development or activity shall be prohibited which will be used for the production or storage of any of the following dangerous materials or substances; or which will be used for any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or which will involve the production, storage, or use of any amount of radioactive substances. 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
19. Any other substance dangerous to human life as determined by Stroud Township.

ARTICLE VII. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any lawfully existing structure, the provisions of Section 7.02 shall apply.

Section 7.02 Improvements

The following provisions shall apply whenever any improvement is made to lawfully existing structures.

- A. No expansion or enlargement of a lawfully existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of a lawfully existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to a lawfully existing structure to an extent or amount of 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.
- D. Any modification, alteration, reconstruction, or improvement of any kind to a legally existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated to the greatest extent possible.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

- F. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC, as may be amended.
- G. Within any Floodway Area/District (See Section 5.02), no new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office and provided all other required permits and approvals from the Township and other governmental agencies are granted.
- H. Within any AE Area/District without Floodway (See Section 5.02), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office and provided all other required permits and approvals from the Township and other governmental agencies are granted.

ARTICLE VIII. WAIVERS

Section 8.01 General

The Board of Supervisors, upon obtaining the comments and recommendations of the Township Planning Commission and/or Engineer, may grant a waiver of the requirements of one or more provisions of this Ordinance if literal compliance will result in undue hardship, or be unreasonable, or if the Applicant establishes to the satisfaction of the Board of Supervisors that an alternative standard can be demonstrated to provide equal or better results, provided that such waiver will not be contrary to the public interest and fulfills the purpose and intent of this Ordinance.

Section 8.02 Waiver Procedures and Conditions

Applicants requesting a waiver(s) in conjunction with a Conditional Use application shall first obtain the Planning Commission's recommendation to the Board of Supervisors prior to Board of Supervisors' consideration of the waiver request. Other waiver requests shall be submitted to the Floodplain Administrator who has the option, but not obligation, to obtain a recommendation from the Planning Commission or Township Engineer prior to consideration of the waiver request by the Board of Supervisors. In acting on all waiver requests, the Board of Supervisors shall take into consideration Section 8.01 above and the following:

- A. No waiver shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No waiver shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Except for a possible modification of the regulatory flood elevation requirement involved, no waiver shall be granted for any of the other requirements pertaining specifically to Section 6.04.I Development or Activity Which May Endanger Human Life.

- D. If granted, a waiver shall involve only the least modification necessary to provide relief.
- E. In granting any waiver, the Board of Supervisors shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this Ordinance.
- F. Whenever a waiver is granted, the Board of Supervisors shall notify the applicant in writing that:
 - 1. The granting of the waiver may result in increased premium rates for flood insurance.
 - 2. Such waiver may increase the risks to life and property.
- G. In reviewing any request for a waiver, the Board of Supervisors shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the waiver would result in undue or unreasonable hardship to the applicant.
 - 3. That the granting of the waiver will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all waiver requests and related actions shall be maintained by Stroud Township. In addition, a report of all waivers granted during the year shall be included in the annual report to the FEMA and/or state agencies, as required.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. ENACTMENT

Section 9.01 Effective Date

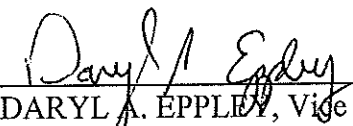
This Ordinance shall take effect five days after the date of its enactment and shall remain in force until modified, amended or rescinded by Stroud Township Board of Supervisors.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 2nd day of April, 2013.

TOWNSHIP OF STROUD


EDWARD C. CRAMER, Chairman
And Treasurer

(TOWNSHIP SEAL)


DARYL A. EPPLEY, Vice Chairman
And Secretary


JAMES L. DECKER, Supervisor
And Roadmaster