

**CHAPTER 8  
FLOODPLAINS**

**PART 1**

**GENERAL PROVISIONS**

- §101. Purpose**
- §102. Applicability**
- §103. Interpretation of District Boundaries**
- §104. Compliance**

**PART 2**

**DEFINITIONS**

- §201. Definitions**

**PART 3**

**ESTABLISHING FLOODPLAIN DISTRICTS**

- §301. Description of Districts**
- §302. District Boundary Changes**
- §303. Floodway District**
- §304. Flood Fringe District**
- §305. Prohibited Activities**

**PART 4**

**EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS**

- §401. Structures or Uses in Floodway District**
- §402. Structures and Uses in Flood Fringe District**
- §403. Modification**

**PART 5**

**ADMINISTRATION AND APPEALS**

- §501. Application**
- §502. Issuance of Permit**

## FLOODPLAINS

- §503. Special Use Permits**
- §504. Penalties**
- §505. Other Remedies**
- §506. Severability**

## PART 6

### GENERAL REQUIREMENTS

- §601. Equipment Requirements**
- §602. New Construction**
- §603. Administration**
- §604. Elevation and Floodproofing Requirements**
- §605. Design and Construction Standards**
- §606. Uniform Construction Code Coordination**

**PART 1**  
**GENERAL PROVISIONS**

**§101. Purpose.**

The regulations contained in this Chapter governing the development and use of land subject to storm water runoff are established for the following purposes:

- A. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation of or runoff of storm, and flood waters.
- B. To protect stream channels from encroachment.
- C. To maintain the existing capacity of the floodplain to pass flood waters.
- D. To provide for the development of floodplain lands with uses not subject to damage by flooding and compatible with other uses permitted in the various zones which floodplain lands intersect.
- E. To permit only uses and alterations to floodplain lands that are not hazardous during flood periods.
- F. To provide for public awareness of flooding potential in order to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- G. To control development, which acting alone, or in combination with other development, will create an additional demand for unjustified public investment in flood control or infringe upon the freedom of individual property owners to enjoy their property by causing unacceptable increases in flood heights or velocities.
- H. To regulate streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and construction thereof; and to regulate the erection or construction use of same, located in the floodplain as delineated on the Elizabethtown Borough Floodplain Map.
- I. To regulate building and housing constructions, alteration, extension, repair and maintenance.
- J. To maintain peace, good government, safety and welfare of the Borough and its trade, commerce and manufacturers.
- K. To provide for erosion and sedimentation control.

## FLOODPLAINS

(Ord. 608, 4/13/1978, §1.1)

### **§102. Applicability.**

These regulations shall apply to all lands within the Borough of Elizabethtown affected by flooding, including but not limited to land shown on the official Borough floodplain map as being located within the boundaries of the 500 year flood.

(Ord. 608, 4/13/1978, §1.2)

### **§103. Interpretation of District Boundaries.**

Where interpretation is needed concerning the exact location of any boundary of the Floodway or Flood Fringe District, Borough Council shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to Council and to submit his own technical evidence if he so desires. The Planning Commission shall review the application and shall make a written recommendation prior to Borough Council making such necessary determination.

(Ord. 608, 4/13/1978, §1.3)

### **§104. Compliance.**

No structure or land shall hereafter be used, and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations.

(Ord. 608, 4/13/1978, §1.4)

**PART 2**

**DEFINITIONS**

**§201. Definitions.**

1. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular, where the context requires.
2. The word “shall” is mandatory and not discretionary.
3. The word “may” is permissive.
4. The words not defined as follows shall be construed in their generally accepted meanings as defined in the most recent publication of Webster’s Dictionary.
5. The words and terms set forth herein wherever they occur in this Chapter shall be interpreted as herein defined:

**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.

**AGRICULTURE** — land, the principal use or uses of which is growing farm or truck garden crops, pasturage, horticulture, floricultural and forestry.

**APPLICANT** — any legal or equitable landowner, holder of an option to purchase land, lessee or authorized agent who submits plans and data and/or an application to the Borough for the purpose of obtaining approval thereof.

**BASEMENT** — any area of the building having its floor below ground level on all sides.

**BOROUGH** — the Borough of Elizabethtown, Lancaster County, Pennsylvania.

**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.

**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.

**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

## FLOODPLAINS

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.

**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.

**FIVE-HUNDRED-YEAR FLOOD** — a flood that statistically has one chance of occurring in 500 years (0.20% chance of occurring in one year). For the purpose of this Chapter, the five-hundred-year flood shall be delineated and defined in the profiles where available in the flood insurance study prepared by the Federal Emergency Management Agency (April 19, 2005) or as delineated on the floodplain map of the Borough.

**FLOOD** — a temporary inundation of normally dry land areas.

**FLOOD FRINGE** — the area between the floodway and the boundary of the 500 year flood.

**FLOODPLAIN** —

- (1) A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse.
- (2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purpose of this Chapter, the floodplain includes areas within the five-hundred-year flood as indicated and defined in the Flood Insurance Study (April 19, 2005) prepared by the Federal Emergency Management Agency.

**FLOODPLAIN ELEVATION** — the elevation of the 500 year flood.

**FLOODPROOFING** — any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**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; or
- (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.

**IDENTIFIED FLOODPLAIN AREA** — the floodplain area specifically identified in this Chapter as being inundated by the five-hundred-year flood.

**LAND DEVELOPMENT** — any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

**LOWEST FLOOR** — the lowest floor of the lowest 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

## FLOODPLAINS

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 nonelevation-design requirements of this ordinance.

**MANUFACTURED HOME** — a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

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

**MINOR REPAIR** — the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including 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 or mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION** — structures for which the start of construction commenced on or after April 17, 1978, and includes any subsequent improvements thereto.

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

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

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

**REPETITIVE LOSS** — flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

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

**STREAM CHANNEL** — that area which is inundated by water during normal, nonflooding conditions.

**STRUCTURE** — anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**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 10 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 50% 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, 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 that have incurred substantial damage or repetitive loss, 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; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**UNIFORM CONSTRUCTION CODE (UCC)** — the statewide building code adopted by 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 In-

## FLOODPLAINS

ternational Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

(Ord. 608, 4/13/1978, Art. II; as amended by Ord. 857, 5/19/2005, §§3,4)

**PART 3**

**ESTABLISHING FLOODPLAIN DISTRICTS**

**§301. Description of Districts.**

The Floodplain District, which consists of the Floodway and the Flood Fringe Districts, shall include those areas of the Borough of Elizabethtown as identified in the Flood Insurance Study (FIS) dated April 19, 2005, and the accompanying maps as prepared for the Borough by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

(Ord. 608, 4/13/1978, §3.1; as amended by Ord. 857, 5/19/2005, §5)

**§302. District Boundary Changes.**

The burden of proving that the existing boundaries are in error shall be upon the applicant, and a registered engineer must certify and develop said proof. The delineation of either the Floodway or Flood Fringe Districts may be revised by the Borough Council, after review by the Planning Commission, where natural or manmade changes have occurred or where delineations are shown to be in error. In no case will the Federal Emergency Management Agency (FEMA) profile be altered without the concurrence of the administrator of the Federal Insurance Administration as provided in the rules and regulations for the National Flood Insurance Program. Those property owners who will be affected by any district boundary change will be given sufficient notice prior to such change.

(Ord. 608, 4/14/1978, §3.2; as amended by Ord. 857, 5/19/2005, §1)

**§303. Floodway District.**

1. Permitted Uses. All structures are prohibited except for the following, provided that they are not prohibited by any other ordinance and provided that they do not require buildings, fill or storage of materials and equipment and provided that the applicant proves that the use or activity will not create any increase in the Floodway elevation or provide facilities acceptable to Borough Council which will offset any increase. The following uses must be so constructed that they will not be damaged by flood or present a hazard at the time of flooding:
  - A. Flood retention dams.
  - B. Culverts.
  - C. Bridges.

## FLOODPLAINS

- D. Open space.
2. Special Use Permits. The following uses and activities may be permitted by special use permits to be granted by Borough Council provided that the uses and activities are in compliance with the provisions of the underlying zoning district, are not prohibited by any other ordinance and provided that the applicant proves that the use or activity will not create any increase in the floodway elevation or provides facilities acceptable to Borough Council which will offset any increase.
- A. Retaining walls.
  - B. The Deepening of the Channel. When plans are presented for the alteration or relocation of a watercourse, a permit must first be secured from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division. Also, the applicant must notify adjacent communities, the Federal Emergency Management Agency (FEMA), and the Pennsylvania Department of Community and Economic Development prior to any alteration or relocation of any watercourse.
  - C. Private Utility Transmission and Pipelines. (This does not apply to the Pennsylvania Public Utility Commission)

(Ord. 608, 4/13/1978, §3.3; as amended by Ord. 829, 11/15/2001; and by Ord. 857, 5/19/2005, §1)

### **§304. Flood Fringe District.**

1. Permitted Uses. In the Flood Fringe District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that they do not require buildings, fills or storage of materials and equipment. Also provided that the applicant proves that the use or activity will not create any increase in the floodway elevation or provides facilities acceptable to Borough Council which will offset any increase:
- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticultural, truck farming, forestry, farming and wild crop harvesting.
  - B. Arboretum.
  - C. Public and private recreational uses and activities such as parks, picnic grounds, golf courses, swimming areas, hiking and horseback riding trails, wildlife and nature preserves and fishing areas.
  - D. Public open land, excluding cemeteries.

- E. Public utility facilities, excluding structures.
2. Special Use Permits. The following uses and activities may be permitted by special use permits to be granted by Borough Council after being reviewed by the Planning Commission, provided that the uses and activities are in compliance with the provisions of the underlying zoning district, are not prohibited by any other ordinance and provided that the applicant proves that the use or activity will not create an increase in the floodplain elevation or provides facilities acceptable to Borough Council which will offset any increase:
- A. Streets.
  - B. Parking lots.
  - C. Front, side, and/or rear yards, and uses customarily incidental thereto; except that no structures shall be permitted.
  - D. Fences, wire or wood, one or two strands or rails only.
  - E. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewerage treatment plants, and other similar or related uses. Land fills are prohibited.
  - F. Extraction of soils and other materials.
  - G. The placement of fills.
  - H. Temporary uses such as circuses, carnivals and similar activities.
  - I. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities and structures shall be flood-proofed.

(Ord. 608, 4/13/1978, §3.4)

**§305. Prohibited Activities.**

- 1. The following obstructions and activities are prohibited if located partially or entirely within any floodplain area:
  - A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
    - (1) Hospitals.
    - (2) Nursing homes.

## FLOODPLAINS

- (3) Jails or prisons.
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- C. Any new or substantially improved structure which:
- (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
  - (2) 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; or,
  - (3) Will involve the production, storage or use of any amount of radioactive substances.
- D. 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.

2. No variance shall be granted for any of the other requirements of this §305.

(Ord. 608, 4/13/1978; as added by Ord. 651, 2/16/1984, §1; as amended by Ord. 857, 5/19/2005, §2)



**PART 4**

**EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS.**

**§401. Structures or Uses in Floodway District.**

Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on the floodway elevation or velocities is fully offset by accompanying stream improvements. Said plans must be reviewed by the Borough Engineer and technical proof of such offsets must be supplied by the applicant.

(Ord. 608, 4/13/1978, §4.1)

**§402. Structures and Uses in Flood Fringe District.**

Existing structures and/or uses located in the Flood Fringe District may be expanded or enlarged as follows:

- A. Single family residential structures may be increased in size, but in no event shall such expansion exceed 50% of the ground level square footage of the structure at the effective date of this Chapter.
- B. Other structures or uses may be expanded provided that the applicant provides sufficient data showing that the expansion will not increase the floodplain elevation or flood velocities, or that accompanying improvements or facilities will offset any hypothetical increase in elevation or velocity.

(Ord. 608, 4/13/1978, §4.2)

**§403. Modification.**

1. Any modification, alteration, repair, reconstruction or improvement which would aggravate flooding, flood hazards or increase the floodplain elevation or velocity to an existing structure located in a floodplain district shall be floodproofed; an existing structure, if it is damaged, deteriorated or destroyed by any means, including floods may be rebuilt provided the original dimensions of said building remain the same and it is proved that the improvement will not result in any increase in the floodplain elevation or velocity. In either instance, said structure must have all new, expanded or enlarged portions of the structure floodproofed or elevated to a height of not less than four feet above the floodplain elevation. The most current edition of the Corp of Engineers "Floodproofing Regulations," EP-1165-2-314, Office of the Chief of Engineers, U.S. Army, Washington, D.C., June 1972, will provide guidelines for property floodproofing.

## FLOODPLAINS

2. 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 Chapter.

(Ord. 608, 4/13/1978, §4.3; as amended by Ord. 857, 5/19/2005, §6)

**PART 5**

**ADMINISTRATION AND APPEALS**

**§501. Application.**

1. The applicant shall apply to the Borough for a permit under this Chapter on forms supplied by the Borough for a use or structure which will be located in or above the floodplain district.
2. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §501) as may be required by the Building Permit Officer to make the above determination:
  - A. A completed building permit application form.
  - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (1) North arrow, scale, and date;
    - (2) Topographic contour lines, if available;
    - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
    - (5) The location of all existing streets, drives, and other access ways; and
    - (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1988;
    - (2) The elevation of the five-hundred-year flood;
    - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a five-hundred-year flood;

## FLOODPLAINS

- (4) Detailed information concerning any proposed floodproofing measures; and
  - (5) Supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and §1612.5.1, §§104.7 and 109.3.3 of the 2003 IBC and §§R109.1.3 and 104.7. of the 2003 IRC.
3. If such application is filed less than 14 calendar days in advance of the regular Planning Commission meeting, the application will not be reviewed by the Commission until its next regular meeting. There will be a 90 day time period for Borough review and discussion beginning 14 calendar days in advance of the Borough Planning Commission meeting when the application is to be initially reviewed.
4. The Borough Council will make its decision at a public meeting.

(Ord. 608, 4/13/1978, §5.1; as amended by Ord. 857, 5/19/2005, §7)

### **§502. Issuance of Permit.**

1. The Building Permit Officer of the Borough shall issue a permit only if the application meets all applicable requirements of this Chapter and all other ordinances of the Borough.
2. Prior to the issuance of any building permit, the Building Permit Officer 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, §404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
3. Any applicant aggrieved by the decision or action of the Building Permit Officer may appeal such decision or action to Borough Council. Borough Council may schedule a public hearing and may affirm the decision of the Building Permit Officer or may reverse or alter the decision and order the Building Permit Officer to take other appropriate action.
4. The procedures for the granting of a conditional use permit by the Elizabethtown Borough Council are as follows:
  - A. A conditional use will not be granted by the Borough Council within any designated floodway if any increase in flood levels during the five-hundred-year flood discharge would result.

- B. Conditional uses shall only be issued upon a determination that the conditional use is the minimum necessary, considering the flood hazard to afford relief.
- C. The Borough of Elizabethtown will notify the applicant in writing over the signature of the President of Borough Council that (1) the issuance of a Conditional Use Permit to construct a structure below the one-hundred-year flood level as delineated on the Elizabethtown Map, will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and (2) such construction below the base flood level increases risks to life and property.

(Ord. 608, 4/13/1978, §5.2; as amended by Ord. 857, 5/19/2005, §8)

### **§503. Special Use Permits.**

- 1. Uses or structures specifically listed in this Chapter as being allowed by special use permits shall only be permitted by action of Borough Council taken at public meeting. Borough Council may also hold a public hearing if desired, but such decision shall be within the discretion of Borough Council.
- 2. The application for a special use permit shall be presented to the Building Permit Officer who shall immediately submit a copy thereof to the Borough Planning Commission for review and recommendation.
- 3. Borough Council shall make a decision within 90 days of the receipt of a completed application.

(Ord. 608, 4/13/1978, §5.3)

### **§504. Penalties.**

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 plus costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Chapter continues shall constitute a separate offense.

(Ord. 608, 4/13/1978, §5.4; as amended by Ord. 829, 11/15/2001)

### **§505. Other Remedies.**

In case any buildings, structures or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter the Borough, in addition to other remedies, may institute, in the name of the Borough any appropriate action or proceedings to prevent, restrain, correct or abate such building,

## FLOODPLAINS

structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(Ord. 608, 4/13/1978, §5.5)

### **§506. Severability.**

The provisions of this Chapter are severable and if any section, clause, sentence, part or provisions thereof shall be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Chapter. It is hereby declared to be the intent of the Borough of Elizabethtown, Lancaster County, Pennsylvania, that this Chapter would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

(Ord. 608, 4/13/1978, §5.6)

## PART 6

### GENERAL REQUIREMENTS

#### **§601. Equipment Requirements.**

All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities in a permitted structure shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. 608, 4/13/1978; as added by Ord. 682, 2/19/1987, §1)

#### **§602. New Construction.**

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 608, 4/13/1978; as added by Ord. 682, 2/19/1987, §1)

#### **§603. Administration.**

In administering this Part, the Borough Manager and Borough Council shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for administrative determinations in the administration and enforcement of this Part.

(Ord. 608, 4/13/1978; as added by Ord. 682, 2/19/1987, §1)

#### **§604. Elevation and Floodproofing Requirements.**

1. Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the five-hundred-year-flood elevation. The design and construction standards and specifications contained in the 2003 IBC (§§1612.4 and 1603.1.6) of the 2003 IRC 327.1.4 and 327.2.1 and

## FLOODPLAINS

ASCE 24 (§§2.4 and 2.5, Chap. 5) and 34 PA Code, Chapters 401 – 405 as amended shall be utilized.

### 2. Nonresidential Structures.

- A. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the five-hundred-year-flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- B. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least four feet above the five-hundred-year-flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the WI[??21] or W2 space classification standards contained in the publication entitled “Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) 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. The design and construction standards and specifications contained in §1612.4 of the 2003 IBC and ASCE 24 (§2.4 and Chapter 7) and 34 PA Code, Chapters 401-405 as amended shall be utilized.

### 3. Space Below the Lowest Floor.

- A. Fully enclosed space below the lowest floor (including basement) is prohibited.
- B. Partially enclosed space below the lowest floor (including basement) 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 floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - (1) a minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
  - (2) the bottom of all openings shall be no higher than one foot above grade.

- (3) 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. Consideration may be given to the requirements of 34 PA Code, Chapters 401-405, as amended and the 2003 IRC (§§R327.2.1 and R327.1.4) and the 2003 IBC (§§1612.4 and 1202.3)

(Ord. 857, 5/19/2005, §9)

**§605. Design and Construction Standards.**

The following minimum standards shall apply for all construction and development proposed 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, feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Building/Development Permit Officer; and
  - (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 stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems.
  - (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

## FLOODPLAINS

- (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - (4) The design and construction provisions of the UCC and 34PA Code Chapter 401-405, as amended and contained in the 2003 IBC (Appendix G), the 2003 IRC (R327.1.6), the ASCE 24-98 (§8.3) and FEMA #348, Protecting Bldg Utilities From Flood Damages shall be utilized.
- D. 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.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the five-hundred-year-floodplain elevation.
- F. 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 §305(1)(D), shall be stored at or above the five-hundred-year-floodplain elevation and/or floodproofed to the maximum extent possible.
- G. 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.
- H. 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 five-hundred-year-floodplain elevation shall be securely anchored or affixed to prevent flotation.
  - (3) The design and construction requirements of the UCC pertaining to this subsection as referred in 34 PA Code Chapters 401-405, as amended and contained in the 2003 IBC (1605.2.2, 1605.3.1.2, 1612.4), the 2003 IRC (R301.1, 327.1.1) and ASCE 24-98 (§5.6) shall be utilized.
- I. Floors, Walls and Ceilings.

- (1) Wood flooring used at or below the five-hundred-year-floodplain 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 five-hundred-year-floodplain elevation shall be of a marine or water-resistant variety.
- (3) Walls and ceilings at or below the five-hundred-year-floodplain 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 five-hundred-year-floodplain elevation shall be made of metal or other water-resistant material.
- (5) The provisions of the UCC pertaining to this subsection and referenced in the 34PA Code Chapters 401-405, as amended and contained in the IBC (801.1.3, 1403.7), the IRC (R327.1.7, RR501.3) and ASCE 24-98 (Chapter 6).

J. Paints and Adhesives.

- (1) Paints and other finishes used at or below the five-hundred-year-floodplain elevation shall be of marine or water-resistant quality.
- (2) Adhesives used at or below the five-hundred-year-floodplain elevation shall be of a marine or water-resistant variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.
- (4) The standards and specifications contained in 34 PA Code, Chapter 401-405, as amended, §§801.1.3 and 1403.7 of the 2003 IBC and §§327.1.7 and R501.3 of the 2003 IRC shall be adhered to the extent that they are more restrictive.

K. Electrical Components.

- (1) Electrical distribution panels shall be at least four feet above the five-hundred-year-floodplain elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (3) The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code Chapters 401-405, as amended and contained in the 2003 IBC (1612.4), the 2003 IRC (R327.1.5) the 2000

## FLOODPLAINS

IFGC (R301.5 and R1601.3.8) and ASCE 24-Chapter 8) shall be utilized.

- L. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the five-hundred-year-floodplain elevation.
  - (1) The provisions pertaining to the above provisions and referenced in the UCC and PA Code Chapters 401 and 405, as amended and contained in the 2003 IBC (1612.4), the 2003 IRC (R327.1.5) the 2000 IFGC (R301.5 and R1601.3.8) and ASCE 24-(Chapter 8) shall be utilized.
- M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

(Ord. 857, 5/19/2005, §10)

### **§606. Uniform Construction Code Coordination.**

The standards and specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions, shall apply to the above and other sections and subsections of this Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

- A. International Building Code (IBC) 2003 or the latest edition thereof:  
Sections 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.
- B. International Residential Building Code (IRC) 2003 or the latest edition thereof:  
Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

(Ord. 857, 5/19/2005, §11)