

BOROUGH OF MILLVILLE  
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 102

THIS ORDINANCE SHALL BE KNOWN AS THE "FLOODPLAIN MANAGEMENT ORDINANCE." IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF MILLVILLE AS FOLLOWS:

ARTICLE I: GENERAL PROVISIONS

Section 1.00 - Statement of Intent

The intent of this Ordinance is to:

- A. Promote the health, welfare, and safety of the citizens of the Borough of Millville by requiring buildings within Borough to meet the standards and regulations hereinafter recited.
- B Promote the utilization of appropriate construction practices to minimize flood damage in the future.
- C. Minimize danger to the public health by protecting the water supply and natural drainage.
- D. Reduce final burdens imposed on the community, its governmental units, and its residents, by regulating development in areas subject to flooding.

Section 1.01 - Applicability

- A. It shall be unlawful for any person, partnership or corporation to undertake, or cause to be undertaken, construction or development anywhere within the Borough unless an approved building permit has been obtained from the Permit Officer as set forth in Section 1.01-C, below.
- B. A building permit shall not be required for minor repairs, renovations, extension, expansion or alteration to buildings or structures, provided that no structural changes or modifications are involved.
- C. All provisions of Ordinance No. 75 of the Borough of Millville (pertaining to building permits) shall be complied with, and the procedures and requirements established therein shall apply to all construction, reconstruction, enlargement,

alteration, or relocation of any building or structure, to the extent not inconsistent with this Ordinance.

#### Section 1.02 - Abrogation and Greater Restrictions Ordinance

This Ordinance supersedes any other Ordinance or provisions thereof or conflicting provisions which may be in effect in flood-prone areas. In the event there is a conflict between applicable provisions of this Ordinance and any other ordinance that is not superseded, the more restrictive provisions shall apply.

#### Section 1.03 - Severability

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

#### Section 1.04 - Warning and Disclaimer of Liability

The degree flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man made or natural cause, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any floodplain area, 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 Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

### ARTICLE II: DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

#### Section 2.00 - Accessory Building

A building as defined herein having a use incidental to buildings on a building lot. Included in this term are such as tool sheds and garden sheds.

#### Section 2.01 - Borough

The Borough of Millville, Columbia County, Pennsylvania.

#### Section 2.02 Building

A combination of materials to form a permanent structure having at least four (4) walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation or use. Not included and therefore not requiring a permit are buildings with fifty (50) feet or less of floor space.

#### Section 2.03 - Building Setback Lines

A building line parallel to a front, side or rear lot line.

#### Section 2.04 - Construction

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

#### Section 2.05 - Council

The Council of the Borough of Millville.

#### Section 2.06 - Development

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

#### Section 2.07 - Flood

A temporary inundation of normally dry land areas.

#### Section 2.08 Flood-Prone Areas

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.

#### Section 2.09 - Floodproofing

Any combination of structural and non-structural 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.

#### Section 2.10 - Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use without a permanent foundation when connected to the

required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 consecutive days.

#### Section 2.11 - Manufactured Home Park

A parcel (or contiguous parcels) which has been planned for the placement of two or more manufactured homes.

#### Section 2.12 - Minor Repair

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

#### Section 2.13 - Obstruction

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

#### Section 2.14 - One Hundred Year Flood

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

#### Section 2.15 - Person

Any person, persons, partnership, business, corporation, association or other such entity.

#### Section 2.16 - Regulatory Flood Elevation

The one hundred (100) year flood elevation

#### Section 2.17 - Rural Residence

A structure occupied or intended to be occupied by not more than two (2) families on a tract of land of ten (10) acres or more.

#### Section 2.18 - Start of Construction

A. For buildings with foundations, construction shall be considered to have started with the first placement of permanent construction work at the site such as the pouring of slabs footings or any work beyond excavation.

B. For buildings without a basement or poured footing, the start of construction shall be considered to have started with the placement with the first permanent framing or assembly of the building or any part thereof on a permanent site or the affixing any prefabricated structure or manufactured home to its permanent site.

C. Land preparation, clearing, grading and filling, excavation or the installation of temporary utilities shall not considered as the start of construction.

#### Section 2.19 - 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.

#### Section 2.20 - Subdivision

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

### ARTICLE III: ADMINISTRATION

#### Section 3.00 - Building Permit Officer

The provisions of this Ordinance shall be enforced by the Millville Borough Building Permit Officer or his Deputy.

#### Section 3.01 - Deputy

The Council may designate a Deputy Building Permit Officer who shall exercise all the powers of the Building Permit Officer during the temporary absence or disability of the Building Permit Officer, or whenever a possible conflict of interest may occur.

#### Section 3.02 - Compensation

The compensation of the Building permit Officer and of the Deputy shall be as determined by the Council.

#### Section 3.03 - Duties and Responsibilities

The Building Permit Officer shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building or structure unless it first conforms with the requirements of this Ordinance, and all other Ordinances of the Borough and with the laws of the Commonwealth of Pennsylvania. He shall:

A. Receive applications, process the same and issue permits for the erection, construction, alteration, repair, extension, replacement and/or use of any building or structure in the Borough.

B. At his discretion, examine or cause to be examined, all buildings or structures for which an application has been filed for the erection, construction or replacement and/or use before issuing a permit. Thereafter he may make such inspection during the progression of work for which a permit has been issued. Upon completion of the building or structure, a final inspection shall be made and any violations of the approved plans or permit shall be reported to the holder of the permit for correction.

C. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices and orders issued and the complete recording of all pertinent factors involved. He shall file and keep copies of all plans submitted and the same shall form a part of the records of his office and shall be available for the use of the Council and other Borough officials. Notify the Council at the regular monthly meeting of all building permits issued. At least annually he shall submit to the Council a written statement of all permits and certificates of use and occupancy issued and violations processed. He shall submit to the Columbia County Board of Assessment, quarterly, a list of completed permits. In addition, he shall, at the end of each year, submit to the Columbia County Board of Assessment the status of outstanding permits.

#### Section 3.04 - Building Permit Requirements

It shall be unlawful to commence the construction, alteration, repair, extension or erection of any building or commence the moving of any building until the Building Permit Officer has issued a building permit for such work unless the Building Permit Officer has determined that no permit is required. No permit shall be required for repair of any building or structure provided such repair does not change the use or otherwise violate the provisions of the Ordinance.

#### Section 3.05 - Application Procedures

For proposed construction or development located within, or adjacent to any identified flood-prone area, application shall be made to the Building Permit Officer on forms provided by Borough, setting forth the following information:

A. Name and address of applicant.

- B. Name and owner of the land upon which the proposed construction is to occur.
- C. Name and address of the contractor who is to perform the construction.
- D. The site location.
- E. Brief description of the proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- G. Proposed lowest floor and basement elevation in relation to mean sea level, based upon the national Geodetic Vertical Datum of 1929.
- H. A plan which accurately delineates the area which is subject to flooding, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be plans for proposed subdivision and land development in order to assure that:
  - i. All such proposals are consistent with the need to minimize flood damage.
  - ii. All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
  - iii. Adequate drainage is provided so as to reduce exposure to flood hazards.
- I. Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces and other factors associated with the one hundred (100) year flood, size of structures, location and elevation of streets; water supply and sanitary sewage facilities; soil types, and flood-proofing measures.
- J. A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damages and that the plans for the development of the site adhere to the restrictions cited in Article VII of this Ordinance. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure.

#### Section 3.06 - Other Permit Issuance Requirements

- A. Prior to any proposed alteration or relocation of any watercourse, etc., within the municipality, a permit shall be obtained from the Department of Environmental Resources Dams and Encroachment Division, as specified in the Water Obstruction Act of 1913, as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs. Under no

circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any water course, drainage ditch, or any drainage facility or system.

B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by state and federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Act, and the Federal Water Pollution Control Act of 1972, Section 404, 33 I.S.C. 1334. No permit shall be issued until this determination has been made.

### Section 3.07 - Review by County Conservation District

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

### Section 3.08 - Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. Planning Commission, Municipal Engineer, etc.) for review and comment.

### Section 3.09 - Building Permit Copies

Building permit copies shall be distributed as follows:

- A. White - Applicant
- B. Pink - Borough Secretary (file)
- C. Yellow - Building Inspector
- D. Green - Columbia County Board of Assessment
- E. Green Poster - To be posted at the site of construction during construction period.

### Section 3.10 - Changes

After the issuance of a building permit there shall be no changes of any kind in the proposed construction as submitted by the application for the building permit without the written approval of the Building Permit Officer.



### Section 3.11 - Start of Construction

Unless construction is started within six (6) months from the issuance of the building permit, the permit shall expire, unless an extension of time is granted by the Building Officer in writing.

### Section 3.12 - Revocation

If, upon inspection, the Building Permit Officer discovers that the construction does not comply with the application for a permit, or other applicable laws and ordinances, or that there has been a false statement of misrepresentation by any applicant, the Building Permit Officer shall revoke the permit and report his action within five (5) days to the Secretary of the Borough of Millville.

### Section 3.13 - Fees

Application for a building permit shall be accompanied by a fee payable to the Borough, based upon the fair labor rate and material cost in the area. In the absence of an itemized bill or receipt of same for the estimated cost of the proposed construction as determined by the Building Permit Officer or the authorized person issuing the building permit, the following rates will apply:

Estimated cost	Fee
\$ 0.00 to \$ 200.00	\$0.00
\$201.00 to \$1,000.00	\$5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	\$1.00

### Section 3.14 - Appeals

Any person aggrieved by any decision of the Building Permit Officer may appeal in writing to the council within thirty (30) days of said decision. Upon receipt of the appeal, the Council shall set a time and a place not less than ten (10) nor more than thirty (30) days in the future for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given by certified mail, return receipt requested, to all interested parties.

### Section 3.15 - Certificate of Use and Occupancy

A. It shall be unlawful to use or occupy any structure for which a permit is required

herein until a certificate of use and occupancy for such structure has been issued by the Building Permit Officer.

B. The application for certificate of use and occupancy shall be in such form as the Building Permit Officer may prescribe and may be made on the same application as is required for a permit and shall include the intended use and/or occupancy of the structure.

C. The Building Permit Officer shall inspect any structure within ten (10) days upon notification that the proposed work that was listed on the permit has been completed, and if satisfied that the work is in conformity and compliance with that listed on the issued building permit and all other pertinent laws, he shall issue a certificate of use and occupancy without fee for the intended use as listed in the original application.

### Section 3.16 - Penalties

Any person who fails to comply with the requirements of this Ordinance or who fails or refuses to comply with any lawful order of the Building Permit Officer shall be guilty of a summary offense, and upon conviction, shall be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) plus costs of prosecution. In default of payment, such person may be imprisoned in the County Jail for a period not to exceed ten (10) days.

### Section 3.17 - Separate Offense

Each day during which a violation of this Ordinance continues shall constitute a separate offense.

### Section 3.18 - Reservation of Remedies

In addition to imposing a fine for violation of this Ordinance, the Borough reserves any remedies in law or equity for the enforcement of this Ordinance, including the power to declare buildings in violation of this Ordinance a public nuisance and abatable as such.

### Section 3.19 - Corrections

All persons found to be in violation of this Ordinance shall correct such violations within ten (10) days after their conviction unless an extension of time is obtained in writing from the Building Permit Officer.

## ARTICLE IV: STANDARDS APPLICABLE TO ALL BUILDINGS

### Section 4.00 - Building Setback Lines

A. All building setback lines at their closest point shall be not less than ten (10) feet to adjacent property lines.

B. All building setback lines at their closest point shall be no less than twenty-five (25) feet to adjacent road rights of-way.

## ARTICLE V: STANDARDS APPLICABLE TO BUILDINGS USED FOR HUMAN HABITATION

In addition to the standards recited in Article IV, the following standards shall apply to buildings used for human habitation:

### Section 5.00 - Plumbing

All buildings to be used for human habitation that have plumbing installed shall meet the material and installation standards of the National Plumbing Code RSA.

### Section 5.01 - Sewage

All buildings to be used for human habitation shall be served by a sewage treatment system in accordance with the applicable rules and regulations of the Department of Environmental Resources. A sewage permit shall be required before a building permit is issued under this Ordinance unless the sewage system is to be constructed or installed on a tract defined as a Rural Residence. Whenever more than one (1) system or more than one (1) structure is about to be constructed or installed on a tract meeting the definition of a Rural Residence, the entire tract shall cease to be considered a Rural Residence and a sewage permit will be required.

## ARTICLE VI: DESIGNATION OF FLOOD-PRONE AREA(S)

### Section 6.00 - Identification

The identified flood prone area(s) shall be those areas of the Borough of Millville which are subject to the one hundred (100) year flood as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) most recently prepared for the Borough by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

### Section 6.01 - DESCRIPTION OF THE FLOOD-PRONE AREAS(S)

The identified flood-prone area shall consist of the following two specific areas:

A. The AE Area shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.

B. The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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

#### Section 6.02 - CHANGES IN DESIGNATION OF AREA(S)

The delineation of any of the identified flood-prone area(s) may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.(FIA).

#### Section 6.03 - Boundary Disputes

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Borough of Millville and any party aggrieved by this decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

### ARTICLE VII: SPECIFIC REQUIREMENTS

#### Section 7.00 - General

A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in Borough of Millville.

B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

C. Within any AE Area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development will not increase the of the one hundred (100) year flood more than one (1) foot at any point.

D. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

E. Within any identified flood-prone area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be at or above the regulatory flood elevation.

F. Within any identified flood-prone area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at or above the regulatory flood elevation or be floodproofed up to that height.

Any nonresidential structure, or part thereof having a lowest floor which is not elevated to or above the regulatory flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 and W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

G. Enclosures below the lowest floor (including basement) are prohibited.

#### Section 7.01 - Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood-prone area(s).

A. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

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

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

constructed to minimize or eliminate flood damages.

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

E. Utilities - All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated where possible, and constructed to minimize the change or impairment during a flood.

F. Fill - If fill is used, it shall:

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

ii. Consist of soil or small rock materials only (excluding sanitary landfill material).

iii. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

iv. Be no steeper than one (1) vertical foot to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Building Permit Officer.

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

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 flood waters.

H. Anchoring

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

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

I. Floors, Walls, and Ceilings - Where located at or below the regulatory flood elevation:

i. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without incurring structural damage to the building.

ii. Plywood shall be of a "marine" or "water resistant" variety.

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

#### J. Electrical Systems and Components

i. Electrical water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.

ii. Electrical distribution panels shall be at least three (3) feet above the level of the one hundred (100) year flood elevation.

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

#### K. Plumbing

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

ii. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum, all systems shall meet the requirements of Act 537, the Pennsylvania Sewage Facilities Act, as amended.

iii. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

iv. 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.

#### L. Paints and Adhesives - when used at or below regulatory flood elevation:

i. Paints or other finishes shall be of a "marine." or "water resistant" quality.

M. Storage - No materials that are buoyant, flammable, or in times of flooding, could be injurious to human, life, shall be stored below the regulatory flood elevation.

### Section 7.02 - Special Requirements for Manufactured Homes

A. Where permitted within any flood-prone area, all homes and any additions thereto

shall be:

- i. Placed on a permanent foundation.
- ii. Elevated so that the lowest floor of the manufactured home shall be at or above the regulatory flood elevation.
- iii. Anchored to resist flotation, collapse, or lateral movement.

#### ARTICLE VIII: EXISTING STRUCTURE IN IDENTIFIED FLOOD-PRONE AREA(S)

Structures existing in any identified flood-prone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain provided that any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

#### ARTICLE IX: ACTIVITIES REQUIRING SPECIAL PERMITS

##### Section 9.00 - General

It has been determined that the following activities and development present a special hazard to the health and safety of general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located, entirely or partially, within an identified flood-prone area:

- A. Hospitals (public or private)
- B. Nursing homes (public or private)
- C. Jails or prisons
- D. New manufactured home parks and manufactured home and subdivisions substantial improvements thereto.
- E. Facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any identified flood-prone area unless a special permit has been issued by the Borough.

##### Section 9.01 Special Permit Application Procedures



Application for a special permit shall consist of at six (6) copies of the following items:

A. A written request including a completed Building Permit Application form.

B. A small scale map showing the vicinity in which the proposed site is located.

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

i. North arrow, scale and date.

ii. Topography based on the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.

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

iv. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.

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

vi. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.

vii. The location of all proposed buildings, structures, utilities, and any other improvements.

viii. Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

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

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

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

iv. detailed information concerning any proposed flood-proofing measures.

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

vi. Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades.

vii. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

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

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

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

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

v. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows.

vi. The appropriate component of the Department of Environmental resources' "Planning Module for Land Development."

vii. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and

sedimentation control.

viii. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166.

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

#### Section 9.02 Review of application for Special Permit

Upon receipt of an application for a Special Permit by the Borough, the following procedures shall apply in addition to those of article III:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Engineer for review and comments.

B. If an application is received that is incomplete, the Borough shall notify the applicant, in writing, stating in what respect the application is deficient.

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

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs by registered or certified mail, within five (5) working days of approval.

E. Before issuing the Special Permit, the Borough shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Borough.

F. If the Borough does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the Special Permit.

#### Section 9.03 Special Technical Requirements

In addition to the requirements of Article I of this Ordinance, the following minimum

requirements shall also apply. If there is any conflict between any of the following requirements elsewhere in the Ordinance or in any code or regulation, the more restrictive provision shall apply. Sufficient documentation shall accompany every application to demonstrate that the proposed activity or development will:

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

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

ii. The first floor elevation will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

iii. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. At a minimum, all new structures shall be designed and constructed so that:

i. There will be no pollution from the structure or activity during the course of a one hundred (100) year flood.

ii. There will be no increase in the one hundred (100) year flood elevation.

iii. There will be no loose, buoyant materials of any kind below the one hundred (100) year flood elevation.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community Affairs. In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of the Ordinance and to protect the general health, safety, and welfare of the public.

#### Section 9.04 - Development Which May Endanger Human Life

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

--will be used for the production or storage of the following dangerous materials or substances, or,

--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, will involve the production, storage, or use of any amount of radioactive substances--

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

- i. Acetone.
- ii. Ammonia.
- iii. Benzene.
- iv. Calcium carbide.
- v. Carbon disulfide.
- vi. Celluloid.
- vii. Chlorine.
- viii. Hydrochloric acid.
- ix. Hydrocyanic acid.
- x. Magnesium.
- xi. Nitric acid and oxides of nitrogen.
- xii. Petroleum products (gasoline, fuel oil, etc.)
- xiii. Phosphorus.
- xiv. Potassium.
- xv. Sodium.
- xvi. Sulphur and sulphur products.
- xvii. Pesticides (including insecticides, fungicides, and rodenticides).
- xviii. Radioactive substances, insofar as such substances not otherwise regulated.

B. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be:

- i. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood.
- ii. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure or part thereof, that will be built below the Regulatory Flood

Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some equivalent watertight standard.

#### ARTICLE X: VARIANCES

If compliance with the elevation or floodproofing requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of the requirement. Requests for variances shall be considered by the Borough in accordance with the procedures contained in Section 3.14 and the following procedures:

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

B. In granting any variance, the Borough may 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.

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

i. The granting of the variance may result in increased premium rates for flood insurance.

ii. Such variances may increase the risks to life and property.

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

i. That there is good and sufficient cause.

ii. That failure to grant the variance would result in exceptional hardship to the applicant.

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

E. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have capability the resisting the one hundred (100) year flood.

F. Except for a possible modification of the freeboard requirements involved, no variance shall be granted from any of the other requirements pertaining specifically to development regulated by Special Permit (Article IX) or to Development Which May Endanger Human Life (Section 9.04).

G. No variance shall be granted for any construction, development use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

H. No variance shall be granted for any construction, development use or activity within any AE Area that would together, with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

#### ARTICLE XI: EFFECTIVE DATE

This Ordinance shall be effective from and after its date of lawful enactment and shall remain in force until modified, amended or rescinded by the Council of the Borough of Millville, Columbia County, Pennsylvania.

ENACTED this 20th day of June, 1989.

Attest: BOROUGH OF MILLVILLE:

Harry Martenas      M. C. Ludwig  
Secretary      President of Council

(Seal)

APPROVED this 20th day of June, 1989.

Jerre W. Wright

