

CHAPTER 8 OF THE CODE OF ORDINANCES OF EAST BUFFALO TOWNSHIP WAS REPEALED IN ITS ENTIRETY BY ORDINANCE NO. 397, ADOPTED MARCH 8, 2021; FLOODPLAIN REGULATIONS FOR EAST BUFFALO TOWNSHIP HAVE BEEN CODIFIED IN CHAPTER 27, PART 10 OF THE CODE OF ORDINANCES UPON ADOPTION OF ORDINANCE 396, ADOPTED FEBRUARY 8, 2021

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CHAPTER 8

FLOOD PLAIN REGULATIONS

Part 1

General Provisions

§101. Intent. The intent of this ordinance is to:

- (1) Promote the general health, welfare, and safety of the community.
- (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- (3) Minimize danger to public health by protecting water supply and natural drainage.
- (4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- (5) To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a flood plain and the consequent obstruction of the increase in flow of flood waters.

(Ordinance 40, August 8, 1977)

§102. Applicability. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, the construction, reconstruction, enlargement, alteration, or relocation of any building or structure, without first obtaining all required federal, state and Township permits including but not limited to Zoning Permits and Building Permits. (Ordinance 40, August 8, 1977)

§103. Abrogation/Greater Restrictions. This Chapter supersedes any provisions currently in effect in flood-prone areas. However, all underlying ordinances shall remain in full force and effect to the extent that those provisions are more restrictive. (Ordinance 40, August 8, 1977)

§104. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable. (Ordinance 40, August 8, 1977)

§105. Municipal Liability. The granting of a Building Permit, Zoning Permit or approval of a subdivision or land development plan in an identified flood-prone area, shall not constitute a representation, guarantee, or warranty of any kind by East Buffalo Township, or by any official or employee thereof the practicability or safety of the proposed use, and shall create no liability upon East Buffalo Township, its officials, or employees. (Ordinance 40, August 8, 1977)

CHAPTER 8

FLOOD PLAIN REGULATIONS

Part 2

Definitions

§201. Interpretation. Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application. (Ordinance 40, August 8, 1977)

§202. Specific Definitions.

ACCESSORY USE OR STRUCTURE - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

APPROXIMATED FLOOD PLAIN - Those portions of flood-prone land subject to inundation by the one hundred (100) year flood where a detailed study has not been performed but where a one hundred (100) year flood boundary has been approximated by the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency. (Ordinance 65)

BASEMENT - Any area of a building having its floor below ground level.

BUILDING - A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile 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 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.

ELEVATION OF ONE HUNDRED (100) YEAR FLOOD - The one hundred (100) year flood elevation as indicated in the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency. Elevation of one hundred (100) year flood in approximated areas shall be established as a point at the boundary of the approximated flood area which is nearest to the construction site in question. (Ordinance 65)

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.

FLOODPROOFING - Any combination of structural or 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.

FLOOD-PRONE AREA - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the usual and rapid accumulation of surface waters from any source. Delineation of the area shall be the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency which includes areas of detailed study as well as the approximated areas and the area identified therein as within the five hundred (500) year flood boundary. (Ordinance 65)

FLOODWAY AREA - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude as indicated in the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency. (Ordinance 65)

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 preliminary 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 Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior 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 Interior; or,

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

LAND DEVELOPMENT - (i) The improvement of one (1) lot, or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two (2) or more buildings, or (b) the division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

LOWEST FLOOR - The lowest floor enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of this Part.

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 connected to the required utilities. For purposes of flood plain management, the term "manufactured home" shall include park trailers, travel trailers and other similar vehicles. For insurance purposes the term "manufactured home" shall not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for sale or rent.

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 structure affecting the exit way 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.

MOBILE HOME or TRAILER - Any vehicle or similar portable structure mounted or designed for mounting on wheels. Any such vehicle or structure shall be deemed to be a mobile home or trailer whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation. (Ordinance 65)

NEW CONSTRUCTION - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure, and/or improvements, such as streets, utilities, etc. Also, for the purpose of this Chapter, all proposed subdivision and/or land development shall be considered to be new construction. Also, for purposes of this Chapter, new construction shall include structures for which the start of construction commenced on or after August 8, 1977, and includes any subsequent improvements thereto.

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

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

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.

START OF CONSTRUCTION - [For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)], includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement and other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement footing piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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 the land.

SUBDIVISION - The division or re-division of a lot, tract, or parcel of land by any means into two (2) 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 division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBSTANTIAL DAMAGE - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (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 fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage, regardless of the actual repair work performed. The term does not however include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement

official and which are the minimum necessary to assure safe living conditions, or;

(2) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure."

VIOLATION - The failure of a structure or other development to be fully compliant with this Part. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this Part is presumed to be in violation until such time as that documentation is provided.

(Ordinance 40, August 8, 1977; as amended by Ordinance 65, March 12, 1984; and by Ordinance 94, December 29, 1986)

CHAPTER 8

FLOOD PLAIN REGULATIONS

Part 3

Designation of Flood-Prone Areas

§301. Identification. The identified floodplain area shall be any areas of East Buffalo Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 28, 2007 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study. The East Buffalo Township Zoning Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data referenced on the effective maps available from Federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development comply with the provision of this Chapter.

(Ordinance 40, August 8, 1977; as amended by Ordinance 65, March 12, 1984; and by Ordinance 94, December 29, 1986)

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

(1) FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2) FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(3) FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality 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 (Township, Borough, etc.).

§302. Map. For the purpose of this Chapter the boundaries of all identified flood-prone areas within the Township of East Buffalo are shown on the "Official Map of Flood-prone Areas of East Buffalo Township" which is available for inspection at East Buffalo Township's Office. (Ordinance 40, August 8, 1977)

§303. Changes in Boundaries. For the purposes of this Chapter, the boundaries of areas considered to be flood-prone may be revised or modified by East Buffalo Township Supervisors only where necessary because of natural or man-made changes which have occurred and/or where more detailed studies undertaken by a qualified agency or individual may document the need for such revision. All such changes shall be subject to the approval of the Federal Emergency Management Agency and other appropriate agencies. (Ordinance 40, August 8, 1977; as amended by Ordinance 65, March 12, 1984)

§304. Boundary Disputes. Should a dispute arise concerning the boundary of any flood-prone area, an initial determination shall be made by East Buffalo Township's Zoning Officer and any party aggrieved by this decision may appeal to the East Buffalo Township Zoning Hearing Board. The burden of proof shall be on the appellant. The procedure to be followed by the East Buffalo Township Zoning Hearing Board is such appeal shall be those applicable to an appeal from a decision of the East Buffalo Township Zoning Officer as set forth in the Pennsylvania Municipalities Planning Code and the East Buffalo Township Zoning Ordinance (Chapter 27). (Ordinance 40, August 8, 1977; as amended by Ordinance 65, March 12, 1984)

CHAPTER 8

FLOOD PLAIN REGULATIONS

Part 4

Technical Provisions

§401. General Provisions.

(1) No new construction, development, storage of materials or equipment, or encroachments, of any kind shall be permitted within the area designated as floodway, except where the effect of such construction, storage, or encroachment is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or State authorities.

(2) All construction, development, storage or encroachments within the area designated as flood-prone shall be in compliance with the provisions of this Chapter.

(3) The following activities, uses or structures are hereby specifically prohibited in the area designated as flood prone:

- (a) Hospitals
- (b) Nursing Homes
- (c) Jails or Prisons
- (d) Manufactured Home Parks and Subdivisions
- (e) Manufactured Home

Any of the said activities, uses or structures existing at the time of the adoption of this provision shall not be expanded, enlarged or improved. All manufactured homes presently situate within areas designated as flood prone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provision of this Chapter.

(4) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection. In addition, the Federal Insurance Administrator and the Governor's Center for Local Government Services within the Pennsylvania Department of Community and Economic Development, shall be notified by the Township prior to any alteration or relocation of any watercourse.

(5) Any structure that shall hereafter be constructed, expanded, enlarged or improved which will (1) be used for the production or storage of any of the materials or substances set forth in §400(5)(a) hereof, or (2) be used for any activity or use requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the materials or substances set forth in §400(5)(a) hereof, excepting radioactive substances or (3) be used for any activity involving production storage or use of any amount of radioactive materials or substances, shall be

subject to the provisions of this subsection and its subsections. (Ordinance 83)

(a) The following is a list of materials or substances which shall be considered to be dangerous to human life and to which the provisions of §400(5) of this Chapter shall apply:

- (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) Sulfur and sulfur products
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances

(b) The structures described in §400(5) of this Chapter are hereby specifically prohibited in the area within East Buffalo Township designated as a Floodway Area as defined in this Chapter and delineated in the Flood Insurance Study.

(c) The structures described in §400(5) of this Chapter which are or will be within an area designated as a Flood Prone Area in East Buffalo Township as defined by this Chapter and delineated in the Flood Insurance Study shall hereafter be constructed, improved, expanded or enlarged in accordance with the following provisions:

(1) Where the entire structure is to be newly constructed, the entire structure shall be elevated or designed and constructed to remain completely dry to at least one and one-half feet (1 1/2') above the elevation of a one hundred year flood as defined herein and shall be designed to prevent pollution from the structure or activity during the course of a flood which is of such magnitude as to reach the elevations of a one hundred year flood as defined herein.

(2) Where an existing structure is to be improved, expanded or enlarged the portion of the structure to be improved, expanded or enlarged and where technically feasible, the entire structure shall be elevated or designed and constructed to remain completely dry to at least one and one-half feet (1 1/2') above the elevation of a one hundred year flood as defined herein and shall be designed to prevent pollution from the structure or activity during the course of a flood which is of such magnitude as to reach the elevations of a one hundred year flood as defined herein.

(3) Any structure described in §400(5) of this Chapter that is proposed to be built below the elevation of a one hundred flood as defined herein and therefore must be designed and constructed to remain completely dry to at least one and one-half feet (1 1/2') above the elevation of a one hundred (100) year flood, shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication Flood Proofing Regulation (U.S. Army Corp of Engineers, March 1972 as amended from time to time) or some other equivalent watertight standard.

(4) Notwithstanding anything herein to the contrary, any structure, use or activity described in §401 and its subsections of this Chapter shall not be constructed, improved, enlarged or expanded if situate within fifty feet (50') land-ward from the top-of-bank of any watercourse or if the said construction, improvement, enlargement or expansion would place any part of the structure, activity or use within the said fifty feet (50').

(5) Notwithstanding anything herein to the contrary, the provisions of this Chapter are in addition to and not in lieu of all other applicable ordinances, statutes, laws and regulations.

(6) 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 flood waters 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 (1) square inch for every square foot of enclosed space.

(2) The bottom of all openings shall be no higher than one (1) 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.

(Ordinance 40, August 8, 1977; as amended by Ordinance 65, March 12, 1984; by Ordinance 78, December 4, 1985; by Ordinance 83, March 24, 1986; and by Ordinance 94, December 29, 1986)

§402. Elevation.

(1) The bottom of the lowest structural member of the lowest floor (including basements) in residential structures shall be constructed at an elevation of at least one and one-half (1 1/2) feet elevation above the one hundred (100) year flood elevation.

(2) Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory 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.

(3) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1½') feet above the one hundred (100) year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the WI 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 flood proofing 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.

(Ordinance 40, August 8, 1977; as amended by Ordinance 94, December 29, 1986)

§403. Fill. If fill is used, it shall:

(1) Extend laterally at least fifteen (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 (1) vertical to two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to, and approved by the East Buffalo Township Zoning Officer;

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

(Ordinance 40, August 8, 1977)

§404. Placement of Buildings and Structures. All buildings and structures, shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water. (Ordinance 40, August 8, 1977)

§405. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

(2) All air ducts, large pipes and storage tanks located at or below the first floor level shall be firmly anchored to prevent flotation.

(Ordinance 40, August 8, 1977)

§406. Floors, Walls and Ceilings.

(1) Wood flooring used at or below the first floor level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(2) Plywood used at or below the first floor level shall be of any "exterior" or "marine" grade and of a water-resistant or waterproof variety.

(3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water resistant" and will withstand inundation.

(4) Window frames, door frames, and door jambs used at or below the first floor level shall be made of metal.

(Ordinance 40, August 8, 1977)

§407. Electrical Systems.

(1) All electrical water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above the one hundred (100) year flood elevation.

(2) No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the one hundred (100) year flood elevation.

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

(Ordinance 40, August 8, 1977)

§408. Plumbing.

(1) Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above one hundred (100) year flood elevation.

(2) No part of any on-site sewage disposal system shall be constructed within any flood-prone area.

(3) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.

(4) All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ordinance 40, August 8, 1977)

§409. Paints and Adhesives.

(1) Adhesives used at or below the first floor level shall have a bonding strength that is unaffected by inundation.

(2) Doors and all wood trim at or below the first floor level shall be sealed with a waterproof paint or similar product.

(3) Paints or other finishes used at or below the first floor level shall be capable of surviving inundation.

(Ordinance 40, August 8, 1977)

§410. Storage. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal, or plant life, shall be stored below an elevation one and one-half (1 1/2) feet above the one hundred (100) year flood elevation. (Ordinance 40, August 8, 1977)

§411. 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.

CHAPTER 8

FLOOD PLAIN REGULATIONS

Part 5

Existing Structures in Flood-Prone Areas

§501. Regulations. Structures in any flood-prone area which lawfully existed before the enactment of this Chapter but which are not in compliance with these provisions, may continue to remain subject to the following:

(1) Existing structures located in a floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement of flood heights is fully offset by accompanying stream improvements.

(2) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or flood-proofed to the greatest extent, possible if such modification, alteration, reconstruction or improvement would cause any increase in flood heights.

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

(Ordinance 40, August 8, 1977)

CHAPTER 8

FLOOD PLAIN REGULATIONS

Part 6

Administration

§601. Permits Required. Before any new development or construction, reconstruction, enlargement, alterations, or relocation of any building or structure is undertaken all applicable federal, state and Township permits shall be obtained (Ordinance 40, August 8, 1977)

§602. Issuance of Permits. Prior to issuance of any Building/Zoning Permits, the Zoning Officer and Building Permit Officer shall review the application 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); Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); Pennsylvania Clean Streams Act (Act 1937-394, as amended); the United States Clean Water Act, Section 404, 33, U.S.C. 1344. No buildings or zoning permit shall be issued until this determination has been made.

§603. Application Procedures. Applications for Zoning and Building permits shall be made, in writing, to the appropriate Township officer on forms supplied by East Buffalo Township. Such applications shall contain at least the following:

(1) All information required by the applicable Ordinance.

(2) Developer shall provide proof of compliance with all other appropriate and applicable federal, state and local laws and regulations.

(3) If any proposed new construction is located within, or adjacent to, any flood-prone area, as herein defined, applicants for such permits shall also provide the following specific information.

(4) A plan which accurately locates the construction proposed with respect to the flood-prone area boundaries, stream channel and existing flood-prone developments. Included shall be all plans for proposed subdivision and/or development to assure that:

(a) All such proposals are consistent with the need to minimize flood damage;

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

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

(5) Such plan shall also include existing and proposed contours, elevation of the lowest floor, the 100-year flood elevation and storage elevation all based in 1929 Geodetic Vertical Datum, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and detailed information concerning flood proofing measures.

(6) A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the requirements and provisions in this Chapter. Said document shall specify the precautions taken.

(7) Six (6) copies of all plans and documents required herein shall be provided to the appropriate Township officer by the applicant.

(Ordinance 40, August 8, 1977)

§604. Review by County Conservation District. A copy of all applications and plans for new construction in any flood-prone area to be considered for approval shall be submitted by the East Buffalo Township Zoning Officer to the County Conservation District for review and comment prior to the issuance of a Zoning Permit or Building Permit. The recommendations of the Conservation District shall be considered by the East Buffalo Township Zoning and Building Officers for possible incorporation into the proposed plan. (Ordinance 40, August 8, 1977)

§605. Review by Others. A copy of all plans and applications for new construction in any flood-prone area to be considered for approval may be submitted by the East Buffalo Township Zoning Officer to any other appropriate agencies and/or individuals for review and comment. (Ordinance 40, August 8, 1977)

§606. Changes. After the issuance of a Zoning Permit and/or a Building Permit by the East Buffalo Township Zoning or Building Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents, submitted with the application without the written consent or approval of the East Buffalo Township Zoning and/or Building Officers. (Ordinance 40, August 8, 1977)

§607. Display of Permit. The Building Permit and Zoning Permit issued by the East Buffalo Township Zoning or Building Officers shall be prominently displayed on the premises during the time construction is in progress. (Ordinance 40, August 8, 1977)

§608. Start of Construction. Work on the proposed construction shall begin within six (6) months after the date of issuance of the Building and Zoning Permit or the permits shall expire unless a time extension is granted, in writing, by the East Buffalo Township Zoning and Building Officers. (Ordinance 40, August 8, 1977)

§609. Inspection/Revocation. During the construction period, the East Buffalo Township Zoning Officer and Building Officer or other authorized official may inspect the premises to determine that the work

is progressing in compliance with the information provided on the permit applications and with all applicable federal, state and East Buffalo Township laws and ordinances. In the event the East Buffalo Township Zoning Officer or Building Officer discovers that the work does not comply with the permit applications or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the East Buffalo Township Zoning Officer or Building Officer shall revoke the permit and report such fact to the East Buffalo Township Supervisors for whatever action they consider necessary. (Ordinance 40, August 8, 1977)

§610. Fees. Application for a Zoning Permit and Building Permit shall be accompanied by a fee, payable to East Buffalo Township. The fee shall be in accordance with the fee schedule adopted by East Buffalo Township. (Ordinance 40, August 8, 1977)

§611. Notices, Hearings, Order, Appeals and Variances.

(1) The procedures for enforcement of the provision of this Chapter, appeals from decision of the Zoning Officer, requests for variances, decision and similar action shall be in conformity with the provisions of the East Buffalo Township Zoning Ordinance (Chapter 27) and the Pennsylvania Municipalities Planning Code.

(2) In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in this Chapter and state law relative to variances, and the following:

(a) Variances may not be granted for any construction, development, use or activity within any floodway area that would result in any increase in flood levels during the 100-year flood.

(b) Except for a possible modification of the one and one half (1½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life.

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

(d) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Chapter.

(e) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

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

(2) Such variances may increase the risks to life and property.

(f) In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum the following:

(1) That there is good and sufficient cause;

(2) That failure to grant the variance would result in exceptional hardship to the applicant; and

(3) That granting of the variance will:

(a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

(b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.

(g) The Township shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be reported to all appropriate state and federal agencies.

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

(i) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

§612. Penalties. Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Chapter shall upon being found liable therefore in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township. Nothing in this section shall be construed or interpreted to granted to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section. (Ordinance 109, June 10, 1996) (as adopted by Ordinance 303, September 10, 2007)