

**BEDMINSTER TOWNSHIP
ORDINANCE NO. 223**

AN ORDINANCE OF BEDMINSTER TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE TOWNSHIP ZONING ORDINANCE BY ADOPTING NEW FLOODPLAIN REGULATIONS THAT REQUIRE ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A ZONING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT IN THE FLOODPLAIN; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; AND SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP WHICH ARE SUBJECT TO FLOODING.

WHEREAS, the Federal Emergency Management Agency ("FEMA") has created new Flood Insurance Rate Maps ("FIRM") for Bedminster Township; and

WHEREAS, FEMA and Pennsylvania Department of Community and Economic Development is requiring municipalities to adopt revised floodplain management regulations in conjunction with the adoption of the new FIRMs; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry; and

NOW THEREFORE, be it, and it is hereby ENACTED and ORDAINED by the Board of Supervisors of Bedminster Township, Bucks County, Commonwealth of Pennsylvania, as follows:

ARTICLE I. Floodplain Regulations

Sections 613 through 620 of the Zoning Ordinance are hereby deleted and replaced by the following: "RESERVED"

ARTICLE II. Floodplain Regulations

The Bedminster Township Zoning Ordinance is hereby amended by adding the following new Article VI-A that shall read as follows:

ARTICLE VI-A

FLOODPLAIN REGULATIONS

Section 600-A General Provisions

- (1) Intent. The intent of this Article is to:
 - a. Promote the general health, welfare, and safety of the Township.
 - b. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - c. Minimize danger to public health by protecting water supply and natural drainage.
 - d. Reduce financial burdens imposed on the Township, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 - e. Comply with federal and state floodplain management requirements.

- (2) Applicability.
 - a. It shall be unlawful for any person to undertake, or cause to be undertaken, any construction or development within the floodplain unless a zoning permit has been obtained from the Floodplain Administrator.
 - b. A zoning permit shall not be required for minor repairs to existing buildings or structures.

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

- (4) Warning and Disclaimer of Liability

- a. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

- b. This Article shall not create liability on the part of Bedminster Township or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

Section 601-A Administration

(1) Designation of the Floodplain Administrator. The Zoning Officer is hereby appointed to administer and enforce this Article and is referred to herein as the Floodplain Administrator. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Township Manager. The Floodplain Administrator may:

- a. Fulfill the duties and responsibilities set forth in these regulations;
- b. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
- c. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

(2) Permits Required. A zoning permit shall be required before any construction or development is undertaken within any floodplain area of the Township.

(3) Duties and Responsibilities of the Floodplain Administrator

- a. The Floodplain Administrator shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable statutes, ordinances, codes, rules, and regulations.
- b. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the zoning permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. §1344. No permit shall be issued until this determination has been made.
- c. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal statutes, ordinances, codes,

rules, and regulations. He/she shall make as many inspections during and upon completion of the work as are necessary.

- d. In the discharge of his/her duties, the Floodplain Administrator, upon presentation of proper credentials, can seek to enter any building, structure, premises or development in the identified floodplain area, at any reasonable hour to enforce the provisions of this Article. Where the property owner/occupant refuses to allow the Administrator entry, the Administrator may obtain an administrative warrant to inspect the building, structure, premises or development for compliance with this Article.
- e. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable statutes, ordinances, codes, rules, and regulations, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke all permit issued in conjunction with the development and report such fact to the Board of Supervisors for whatever action it considers necessary.
- f. The Floodplain Administrator shall maintain, in perpetuity, all records associated with the requirements of this Article, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- g. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- i. The Floodplain Administrator shall consider the requirements of the UCC and the IBC and the IRC in addition to the requirements of this Article, when fulfilling his or her duties and making determinations.

(4) Application Procedures and Requirements

- a. Application for a zoning permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
 - (i) Name and address of applicant.
 - (ii) Name and address of owner of land on which proposed construction is to occur.
 - (iii) Name and address of contractor.

- (iv) Site location including address.
 - (v) Listing of other permits required.
 - (vi) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - (vii) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- b. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for a zoning permit shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - (i) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (ii) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards;
 - (iv) structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (v) building materials are flood-resistant;
 - (vi) appropriate practices that minimize flood damage have been used; and
 - (vii) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- c. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
 - (i) A completed Permit Application Form.

(ii) 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:

- north arrow, scale, and date;
- topographic contour lines, if available;
- the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
- the location of all existing streets, drives, and other access ways; and
- the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

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

- the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
- the elevation of the base flood; and
- supplemental information as may be necessary under the UCC, the IBC, or the IRC.

(iv) The following data and documentation:

- detailed information concerning any proposed floodproofing measures and corresponding elevations;
- if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;
- documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified floodplain area, when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;
- a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact, and uplift forces associated with the base flood. Such a document shall include a description of

the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development:

- detailed information needed to determine compliance with provisions of this Article concerning Storage and Development Which May Endanger Human Life, including the amount, location and purpose of any materials or substances which are intended to be used, produced, stored or otherwise maintained on site and a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of dangerous materials or substances during a base flood.
- the appropriate component of DEP's "Planning Module for Land Development;" and
- where any excavation or grading is proposed, a plan meeting the requirements of DEP, to implement and maintain erosion and sedimentation control.

- d. Applications for zoning permits shall be accompanied by a fee, payable to the Township, as is set by resolution by the Board of Supervisors from time to time.

(5) Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

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

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

(8) Start of Construction

- a. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the zoning permit or building permit, whichever is later. Work shall be completed within twelve (12) months after the date of issuance of the later permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator.

- b. Time extensions shall be granted only if a written request is submitted by the applicant and sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request. In order for such a request to be granted, the original permit must be compliant with this Article and the FIRM/FIS in effect at the time the extension is granted.

Section 602-A Identification of Floodplain Areas

(1) Identification

- a. The identified floodplain area shall be any areas in the Township classified as SFHAs in the FIS and the accompanying FIRMs, dated March 16, 2015, as amended or revised, and issued by FEMA, including all digital data developed as part of the Flood Insurance Study.
- b. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be a part of this Article.

(2) Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area shall consist of the following specific areas:

- a. The floodway area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those SFHAs where no floodway has been identified in the FIS and FIRM.
 - (i) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (ii) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the DEP Regional Office.

- b. The AE zone shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (i) The AE zone adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - (ii) AE zone without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - (iii) No permit shall be granted for any construction, development, use, or activity within any AE zone without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE at any point.
 - (iv) 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 the appropriate permit is obtained from the DEP Regional Office.
- c. The A zone shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided.
- (i) For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
 - (ii) In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

- d. The AO and AH zones shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

Section 603-A Changes in Identification of Area

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

(2) Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

Section 604-A Technical Provisions

(1) General

a. Alteration or Relocation of Watercourse

- (i) 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 applicant, and until all required permits or approvals have first been obtained from the DEP Regional Office.
- (ii) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- (iii) In addition, FEMA and DCED, shall be notified prior to any alteration or relocation of any watercourse.

- b. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the

provisions contained in this Article and any other applicable statutes, codes, ordinances, rules, and regulations.

(2) **Elevation and Floodproofing Requirements.** Within any identified floodplain area any new construction or substantial improvements shall be prohibited unless it complies with the following applicable provisions:

a. **Residential Structures**

- (i) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor elevated up to, or above, the regulatory flood elevation.
- (ii) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor elevated up to, or above, the regulatory flood elevation as determined in accordance with this Article.
- (iii) In AO Zones, any new construction or substantial improvement shall have the lowest floor at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- (iv) The design and construction standards and specifications contained in the IBC and in the IRC or the most recent revisions thereof and ASCE 24 and the UCC shall be utilized, where they are more restrictive.

b. **Non-residential Structures**

- (i) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (ii) In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with this Article.

- (iii) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
 - (iv) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 - (v) The design and construction standards and specifications contained in the IBC, the IRC, ASCE 24, and the UCC shall be utilized, where they are more restrictive.
- c. Space below the lowest floor
- (i) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - (ii) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - the bottom of all openings shall be no higher than one (1) foot above grade; and
 - openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- d. **Historic Structures.** Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement must comply with all requirements of this Article that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement will cause removal of the structure from the National Register of Historic Places, the State Inventory of Historic places, or the Township Historic Resources Inventory must be obtained from the Secretary of the Interior, the State Historic Preservation Officer, or the Township, as applicable. Any exemption from the requirements of this Article will be the minimum necessary to preserve the historic character and design of the structure.
- e. **Accessory Structures.** Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
- (i) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity on the property.
 - (ii) Floor area shall not exceed 200 square feet.
 - (iii) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - (iv) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - (v) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - (vi) Sanitary facilities are prohibited.
 - (vii) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;

- the bottom of all openings shall be no higher than one (1) foot above grade; and
- openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(3) Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- a. Fill. Within any identified floodplain area the use of fill shall be prohibited. A variance to this prohibition may be obtained in accordance with the criteria in this Article and Article XI, so long as the following provisions are met::
 - (i) The fill shall extend laterally at least fifteen (15) feet beyond the exterior walls of any building constructed on the fill.
 - (ii) The fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - (iii) The fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - (iv) The fill shall be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator.
 - (v) The fill shall not adversely affect adjacent properties.
- b. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- c. Water and Sanitary Sewer Facilities and Systems
 - (i) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - (ii) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - (iii) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance

with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

- (iv) The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
- d. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.
- e. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
- f. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 604-A(4), Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- g. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- 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, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- i. Floors, Walls, and Ceilings
 - (i) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - (ii) Plywood used at or below the regulatory flood elevation 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. Paints and Adhesives
 - (i) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
 - (ii) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - (iii) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- k. Electrical Components
 - (i) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
 - (ii) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- l. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- m. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- n. Uniform Construction Code Coordination. The Standards and Specifications contained in the UCC and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

IBC: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

IRC: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

(4) Development Which May Endanger Human Life.

a. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the DCED as required by the Act, any of the following kinds of structures shall be prohibited within any identified floodplain area:

- (i) a structure that will be used for the production or storage of any materials and substances considered dangerous to human life under the provisions of this Article and listed below; or
- (ii) a structure that will be used for any activity requiring the maintenance, on the premises, of a supply of more than 550 gallons, or other comparable volume, of any materials and substances considered dangerous to human life under the provisions of this Article and listed below; or
- (iii) a structure that will involve the production, storage, or use of any amount of radioactive substances;

b. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

- c. Within any floodway area, any structure of the kind described in this Subsection (4) shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in this Subsection (4), above, shall be elevated to remain completely dry up to at least one and one half (1½) feet above base flood elevation and built in accordance with the requirements of this Article.
- d. Where permitted within any identified floodplain area, any new or substantially improved non-residential structure of the kind described in this Subsection (4), shall be built in accordance with the requirements of this Article and shall comply with the following:
 - (i) Such structure shall be elevated, or designed and constructed to remain completely dry up to at least one and one half (1½) feet above base flood elevation, and
 - (ii) Such structure shall be designed to prevent pollution from the structure or activity during the course of a base flood.
 - (iii) 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 as amended March 1992), or with some other equivalent watertight standard.

(5) Special Requirements for Subdivisions and Development. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(6) Special Requirements for Manufactured Homes

- a. Within any floodway area, manufactured homes shall be prohibited. A variance to this prohibition may be obtained in accordance with the criteria in this Article and Article XI, so long as all the following provisions are met:
 - (i) The manufactured home is placed on a permanent foundation.

- (ii) The manufactured home is elevated so that the lowest floor of the manufactured home is at least one and one half (1½) feet above base flood elevation.
 - (iii) The manufactured home is anchored to resist flotation, collapse, or lateral movement.
 - (iv) All ductwork and utilities, including HVAC/heat pump, of the manufactured home is elevated to the regulatory flood elevation.
- e. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the applicable requirements of the IRC or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto, and the UCC shall apply.
 - f. Consideration shall be given to the installation requirements of the IBC, the IRC, and the UCC where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

(7) Special Requirements for Recreational Vehicles. Within any Identified Floodplain Area recreational vehicles shall be prohibited. A variance to this prohibition may be obtained in accordance with the criteria in this Article and Article XI, so long as all the following provisions are met:

- a. Recreational vehicles in Zones A, A1-30, AH, and AE must either:
 - (i) be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use,
 - or
 - (ii) meet the permit requirements for manufactured homes in Section 604-A(6).

Section 605-A Activities Requiring Special Permits

(1) General. In accordance with the administrative regulations promulgated by the DCED to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township:

- a. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (i) Hospitals
 - (ii) Nursing homes
 - (iii) Jails or prisons
- b. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(2) Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:

- a. A written request including a completed Permit Application Form.
- b. A small scale map showing the vicinity in which the proposed site is located.
- c. An engineered 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 upon the North American Vertical Datum (NAVD) of 1988, 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 access ways, 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 base flood elevation, and information concerning the flow of water including direction and velocities;
 - (vii) the location of all proposed buildings, structures, utilities, and any other improvements; and
 - (viii) any other information which the Township 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 base flood;
 - (iv) detailed information concerning any proposed floodproofing 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; and
 - (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;

- (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 base 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 base 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 base flood elevation 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 base flood elevation and the effects the base flood and flows may have on such materials and debris;
- (vi) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
- (vii) where any excavation or grading is proposed, a plan meeting the requirements of DEP 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 DEP under Section 302 of Act 1978-166; and
- (ix) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

(3) Application Review Procedures. Upon receipt of an application for a Special Permit by the Township the following procedures shall be followed:

- a. In conjunction with submitting the application to the Township, the applicant shall forward a complete copy of the application and all accompanying documentation to the Bucks County Planning Commission by registered or certified mail for its review and recommendations. Proof of such mailing shall be provided to the Township. The Township shall

forward copies of the application to the Township Planning Commission and the Township Engineer for review and comment.

- b. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- c. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- d. If the Township approves an application, the applicant shall file written notification, together with the application and all pertinent information, with DCED, by registered or certified mail, within five (5) working days after the date of approval. Proof of such mailing shall be provided to the Township.
- e. Before issuing the Special Permit, the Township shall allow DCED thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- f. If the Township does not receive any communication from DCED during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- g. If DCED should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

(4) Special Technical Requirements.

- a. In addition to the other requirements of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and the other requirements of this Ordinance or in any other code, ordinance, rule, or regulation, the more restrictive provision shall apply.
- b. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (i) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the

structure itself, or to any of its equipment or contents below the BFE.

- the lowest floor will be elevated to at least one and one half (1½) feet above base flood elevation.
- the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

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

c. 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 Township and DCED.

Section 606-A Existing Structures In Identified Floodplain Areas

(1) Existing Structures. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of this Section shall apply.

(2) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- a. No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in BFE.
- b. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
- c. The above activity shall also address the requirements of the UCC and the IBC and the IRC.
- d. Within any Floodway Area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the DEP Regional Office

- e. Within any AE Area without Floodway, 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 the appropriate permit is obtained from the DEP Regional Office.

Section 607-A Variances.

(1) General. If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Township Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

(2) Variance Procedures and Conditions. Requests for variances shall be considered by the Township Zoning Hearing Board in accordance with the procedures contained in Article XI and the following:

- a. No variance shall be granted within any identified floodplain area that would cause any increase in BFE.
- b. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit or 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 Township Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.
- e. Whenever a variance is granted, the Township 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.
- f. In reviewing any request for a variance, the Township Zoning Hearing Board shall consider, at a minimum, 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

- neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
- nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

g. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

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

(4) In granting a variance, the Township and the Township Zoning Hearing Board are held to the standards provided in 44 CFR §60.6.

Section 608-A Definitions.

(1) General. These definitions only apply to provisions contained in this Article. Where these definitions conflict with other definitions in this Zoning Ordinance, these definitions shall control, but only in relation to provisions contained in this Article. Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its' most reasonable application.

(2) Specific Definitions.

- a. 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.
- b. Base Flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
- c. Base Flood Discharge - the volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

- d. Base Flood Elevation (BFE) - the elevation shown on the flood insurance rate map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- e. Basement - any area of the building having its floor below ground level on all sides.
- f. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- g. DCED – the Pennsylvania Department of Community and Economic Development.
- h. DEP – the Pennsylvania Department of Environmental Protection.
- i. 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.
- j. Existing Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 11, 2015 [Date of Adoption].
- k. Expansion to an Existing Manufactured Home Park or Subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- l. FEMA – the Federal Emergency Management Agency.
- m. Flood - a temporary inundation of normally dry land areas.
- n. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.

- o. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- p. Floodplain Area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- q. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- r. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- s. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- t. Historic Structures – any structure that is listed on the Township's Historic Resources Inventory.
- u. Identified Floodplain Area - this term is an umbrella term that includes all of the areas within which the Township has selected to enforce floodplain regulations. See Section 602-A.
- v. International Building Code (IBC) – a model building code developed and published by the International Code Council. Where referenced by this Article, it means the latest edition, version, or revision of this Code.
- w. International Residential Code (IRC) - a model building code developed and published by the International Code Council specifically for residences. Where referenced by this Article, it means the latest edition, version, or revision of this Code.
- x. Lowest Floor - the lowest floor of the lowest fully enclosed area (including the basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Article.

- y. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- z. Manufactured Home Park or Subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- aa. Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical, or other work affecting public health or general safety.
- bb. New Construction - structures for which the start of construction commenced on or after March 16, 2015 [the effective start date of this floodplain management ordinance] and includes any subsequent improvements to such structures. Any construction started after December 1, 1983 and before March 16, 2015 [the effective start date of this floodplain management ordinance] is subject to the provisions in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- cc. New Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 16, 2015 [the effective date of floodplain management regulations adopted by the Township].
- dd. Person - an individual, partnership, public or private association, corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

- ee. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the Township's initial Flood Insurance Rate Map (FIRM) dated December 1, 1983, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- ff. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the Township's initial Flood Insurance Rate Map (FIRM) dated December 1, 1983, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- gg. 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; and
 - (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- hh. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet.
- ii. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- jj. Special Flood Hazard Area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- kk. Start of Construction - includes substantial improvement and other proposed new development and means the date the zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure

on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- ll. Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- mm. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- nn. Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- oo. Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- pp. Uniform Construction Code (UCC) - The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings, the UCC adopted the

International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. The UCC is promulgated under Title 34 of the Pennsylvania Code, Chapters 401, 403 and 405, in accordance with the Pennsylvania Construction Code Act (35 P.S. §7210.101 *et seq.*)

- qq. Variance- A grant of relief by the Township Zoning Hearing Board from a specific term or provision of this Article.
- rr. Violation - means the failure of a structure or other development to be fully compliant with the Township's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION III. REPEALER

All ordinances, parts of ordinances, and amendments thereof are repealed insofar as they are inconsistent with this Ordinance.

SECTION IV SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Bedminster Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

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**BEDMINSTER TOWNSHIP
ORDINANCE NO. 223
(Floodplain Ordinance)**

SECTION V. EFFECTIVE DATE

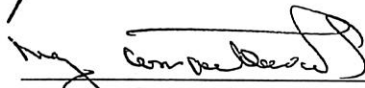
This Ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED this 11 day of March, 2015.

**BEDMINSTER TOWNSHIP
BOARD OF SUPERVISORS**



Glenn A. Wismer



Morgan Cowperthwaite, Jr.



Mark W. Schmidt

