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

**§8-101. Intent.**

The intent of this Chapter is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.

(Ord. 4/6/1981, §100)

**§8-102. Applicability.**

- 1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development within any floodplain area within the Township of Towanda unless an approved building permit has been obtained from the Building Permit Officer. [Ord. 47]
- 2. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

(Ord. 4/6/1981, §101; as amended by Ord. 47, 7/9/2001)

**§8-103. Abrogation and Greater Restrictions.**

This Chapter supersedes any provisions currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

(Ord. 4/6/1981, §102)

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### **§8-104. Warning and Disclaimer of Liability.**

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas, will be free from flooding or flood damage.
2. This Chapter shall not create liability on the part of the Township of Towanda or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 4/6/1981, §104)

**PART 2**

**ADMINISTRATION**

**§8-201. Building Permits Required.**

Building permits shall be required before any construction or development is undertaken within any floodplain area of the Township of Towanda.

(Ord. 4/6/1981, §2.00; as amended by Ord. 47, 7/9/2001)

**§8-202. Issuance of Building Permit.**

1. The Building Permit Officer shall issue a building 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 codes and ordinances.
2. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits, such as those required by State and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Dam Safety and Encroachment Act, the U.S. Clean Water Act, §404, 33 U.S.C. §1334, and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.
3. No encroachment, alteration or improvement of any kind shall be made to any water course until all adjacent municipalities which may be affected by such actions have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. [Ord. 47]
4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse. [Ord. 47]

(Ord. 4/6/1981, §2.01; as amended by Ord. 47, 7/9/2001)

**§8-203. Application Procedures.**

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on form supplied by the Township of Towanda. Such application shall contain at least the following:
  - A. Name and address of applicant.

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- B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.
  - D. Site location.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost.
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located within, or partially within, any identified flood-prone area, applicants for building permits and special permits shall also provide the following specific information:
- A. A plan of the entire site, drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (1) North arrow, scale and date.
    - (2) A location map showing the vicinity in which the proposed activity or development is to be located within the Township.
    - (3) Topography based upon the National Geodetic Vertical Datum showing existing and proposed contours at intervals of two feet.
    - (4) All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.
    - (5) The location of all existing streets, drives and other accessways with information concerning widths, pavement types and construction and elevations.
    - (6) The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities and any other natural or man made features affecting, or affected by the proposed activity or development.
    - (7) The location of the identified flood-prone area boundary line, floodway line if available, information and spot elevations concerning the 100 year flood elevations and information concerning the flow of water, including direction and velocities.
    - (8) A general plan of the entire site accurately showing the location of all proposed buildings, structures and any other improvements, including

the location of any existing or proposed subdivision and land development in order to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage.
- (b) All utilities and facilities, such as sewer, gas, electric and water systems, are located and constructed to minimize or eliminate flood damage.
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.

B. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following. Such plans shall also include existing and proposed contours, information concerning 100 year elevations, location and elevations of streets and soil types.

- (1) Detailed architectural or engineering drawings, including building size, floor plans, sections and exterior building elevations, as appropriate.
- (2) The proposed lowest floor and basement elevations of any proposed building based upon National Geodetic Vertical Datum (1929) flood depths, pressures, velocities.
- (3) Complete information concerning the impact and uplift forces and other factors associated with a 100 year flood.
- (4) Detailed information concerning any proposed flood-proofing measures.
- (5) Cross section drawings for all proposed streets, drives and other accessways and parking areas showing all rights-of-way and pavement widths.
- (6) Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades.
- (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (8) Soil types.

C. The following data and documentation:

- (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately

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designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100 year flood.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

- (2) The appropriate component of the Department of Environmental Protection's planning module for land development. [Ord. 47]

(Ord. 4/6/1981, §2.02; as amended by Ord. 47, 7/9/2001)

### **§8-204. Review by County Conservation District.**

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

(Ord. 4/6/1981, §2.03)

### **§8-205. Review of Application by Others.**

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

(Ord. 4/6/1981, §2.04)

### **§8-206. Changes.**

After the issuance of a building permit by the Building Permit Officer, no change 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 Building Permit Officer.

(Ord. 4/6/1981, §2.05)



**§8-207. Placards.**

In addition to the building permit, the Building Permit Officer 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 building permit, the date of its issuance and be signed by the Building Permit Officer.

(Ord. 4/6/1981, §2.06)

**§8-208. Start of Construction.**

Work on the proposed construction and/or development shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

(Ord. 4/6/1981, §2.07)

**§8-209. Inspection and Revocation.**

1. During the construction period, the Building Permit Officer 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 Township laws and ordinances.
2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area at any reasonable hour to enforce the provisions of this Chapter.
3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
4. A record of all such inspections and violations of this Chapter shall be maintained.

(Ord. 4/6/1981, §2.08)

**§8-210. Fees.**

Applications for a building permit shall be accompanied by a fee, in an amount as established from time to time by resolution of the Board of Supervisors.

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(Ord. 4/6/1981, §2.09; as amended by Ord. 47, 7/9/2001)

### §8-211. Enforcement.

1. Notices. Whenever the Building Permit Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of the Chapter, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall:
  - A. Be in writing.
  - B. Include a statement of the reasons for its issuance.
  - C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.
  - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.
  - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter, or any part thereof, and with the regulations adopted pursuant thereto.
2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Township, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such. [Ord. 47]

(Ord. 4/6/1981, §2.10; as amended by Ord. 47, 7/9/2001)

**§8-212. Appeals.**

1. Any person aggrieved by an action or decision of the Building Permit Officer, refusing to grant a modification to the provisions of this Chapter covering the development of land or the manner of construction or materials to be used in the erection, alteration, modification, etc., of a building or structure, may appeal to the Board of Supervisors. Such appeals must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer.
2. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than 10 days nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties, at which time they may appear and be heard.
3. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

(Ord. 4/6/1981, §2.11)



**PART 3**

**IDENTIFICATION OF FLOOD-PRONE AREAS**

**§8-301. Identification.**

1. For the purpose of this Chapter, the areas considered to be flood-prone within the Township of Towanda shall be those areas identified as being subject to the 100 year flood in the Flood Insurance Study prepared for the Township of Towanda by the Federal Insurance Administration dated September 16, 1980.
2. A map showing all areas considered to be flood-prone is available for inspection at the Township of Towanda offices. For the purposes of this Chapter the following nomenclature is used in referring to the various kinds of flood-prone areas:
  - A. FW (Floodway) – the areas identified as “Floodway” in the FIS 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 prepared by the FEMA. [Ord. 10/5/1987]
  - B. FF (Flood-Fringe Area) – the areas identified as “Flood Fringe” in the Flood Insurance Study prepared by the FIA.
  - C. The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood elevation or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these areas, elevation and floodway information from other Federal, State or other acceptable sources shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. [Ord. 10/5/1987]

(Ord. 4/6/1981, §3.00; as amended by Ord. 10/5/1987, 10/5/1987, §§1, 2)

**§8-302. Determination of the 100 Year Flood Elevation in FA (General Floodplain Areas).**

1. To determine the “100 year flood” elevation for these areas, the elevation at a given point on the boundary of the identified flood-prone area(s) which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data where available shall be used, such as:
  - A. Corps of Engineers – Flood Plain Information Reports.

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- B. U.S. Geological Survey – Flood-Prone Quadrangles.
  - C. USDA, Soil Conservation Service – County Soil Surveys (Alluvial Soils)
  - D. Known Highwater Marks from Past Floods.
  - E. Other sources.
2. In lieu of the above, the Township shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis 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 of Towanda.

(Ord. 4/6/1981, §3.01)

### **§8-303. Changes in Identification of Flood-Prone Areas.**

- 1. The areas considered to be flood-prone may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
- 2. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by the Federal insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 4/6/1981, §3.02)

### **§8-304. Disputes.**

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Building Permit Officer and any aggrieved by such decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

(Ord. 4/6/1981, §3.03)

**PART 4**

**TECHNICAL PROVISIONS**

**§8-401. General.**

1. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse. [Ord. 47]
2. Where a flood-prone area has been identified which includes a floodway area, the following provisions apply:
  - A. Within any designated floodway (FW) area, no new construction, development, use, activity or encroachment of any kind, shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements. The floodway area is based on the criteria that the portion of the floodplain selected must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The floodway is shown on the Flood Boundary and Floodway Map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Date Table of the FIS itself.
2. Within any designated flood-fringe (FF) area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.
3. Where a flood-fringe area has been identified which does not include detailed flood profiles and elevations, the following provisions apply:
  - A. Within any area designated "FA" area, new construction and other development, uses and activities, shall be allowed; provided, that they are undertaken in strict compliance with the provisions contained in this Chapter, as well as any other applicable codes, ordinances and regulations.

(Ord. 4/6/1981, §4.00; as amended by Ord. 47, 7/9/2001)

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### **§8-402. Elevation and Floodproofing Requirements.**

1. Residential Structures. Within any FW, FF or FA area, the lowest floor (including basement) of any new or improved residential structure shall be at least 1 1/2 feet above the 100 year flood elevation.
2. Nonresidential Structure.
  - A. Within any FW, FF or FA area, the lowest floor (including basement) shall be at least 1 1/2 feet above the 100 year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - B. Any structure, or part thereof, which will not be completely or adequately elevated shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.

(Ord. 4/6/1981, §4.01)

### **§8-403. Design and Construction Standards.**

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

- A. Fill. If fill is used, it shall:
  - (1) Extend laterally at least 15 feet beyond the building line from all points.
  - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
  - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (4) Be no steeper than one vertical to two horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer.
  - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drain-



age away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

- C. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- D. Water Facilities. All new or replacement facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.
- E. Streets. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- F. Utilities. All utilities such as gas lines, electrical and telephony systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- G. 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 §405, shall be stored at or above the regulatory flood elevation and/or flood-proofed to the maximum extent possible.
- H. 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.
- I. Anchoring.
  - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- J. Floors, Walls and Ceilings.
  - (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

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- (2) Plywood used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant materials.

### K. Paints and Adhesives.

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

### L. Electrical Systems and Components.

- (1) Electric water heaters, furnaces, air conditioning and ventilating systems and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) Electrical distribution panels shall be at least three feet above the 100 year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

### M. Plumbing.

- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) No part of any onsite sewage disposal system shall be located within any identified flood-prone area.
- (3) Water supply systems and sanitary sewage systems shall be designed to prevent infiltration of flood waters into the system and discharges from the system into flood water.
- (4) 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.

(Ord. 4/6/1981, §4.02)

**§8-404. Special Requirements for Manufactured Homes.**

1. Within any FW (Floodway Area), manufactured homes shall be prohibited.
2. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured 50 feet landward from the top of bank of any watercourse.
3. Where permitted within any floodplain area, all manufactured homes, and any additions thereto, shall be:
  - A. Placed on a permanent foundation.
  - B. Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the 100 year flood.
  - C. Anchored to resist flotation, collapse or lateral movement.

(Ord. 4/6/1981, §4.03; as amended by Ord. 10/5/1987, 10/5/1987, §3)

**§8-405. Hazardous Materials and Substances.**

1. The Department of Community and Economic Development's administrative regulations implementing Act 166, the Pennsylvania Floodplain Management Act, have listed the following materials and substances as dangerous to human life. [Ord. 47]
  - A. Acetone
  - B. Ammonia
  - C. Benzine
  - D. Calcium carbide
  - E. Carbon disulfide
  - F. Celluloid
  - G. Chlorine
  - H. Hydrochloric acid
  - I. Hydrocyanic acid
  - J. Magnesium
  - K. Nitric Acid and oxides of nitrogen
  - L. Petroleum products (gasoline, fuel oil, etc.)
  - M. Phosphorus
  - N. Potassium

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- O. Sodium
  - Q. Sulphur and sulphur products
  - R. Radioactive substances
2. Any structure that will be used for the production or storage of any of the above hazardous materials or substances when located in identified flood-prone areas or which will be used for any activity requiring maintenance of a supply (including any amount of radioactive substances or more than 550 gallons or other comparable volume) of any such materials or substances on the premises shall be:
- A. Elevated or flood-proofed to remain dry up to at least 1 1/2 feet above the 100 year flood.
  - B. Designed to prevent pollution from the structure or activity during the course of a 100 year flood.
  - C. Prohibited if located in an identified floodway area.
3. In addition, the Township may attach whatever additional conditions and life-guards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety and welfare of the public.

(Ord. 4/6/1981, §4.04; as amended by Ord. 47, 7/9/2001)

**PART 5**

**EXISTING STRUCTURES IN FLOOD-PRONE AREAS**

**§8-501. Existing Structures in Flood-Prone Areas.**

Structures existing in any identified flood-prone area prior to the enactment of this Chapter, but which are not in compliance with these provisions, may continue to remain subject to the following:

- A. Existing structures located in any identified floodway area shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of the Chapter.

(Ord. 4/6/1981, Art. V)



**PART 6**

**ACTIVITIES REQUIRING SPECIAL PERMITS**

**§8-601. General.**

In accordance with the Department of Community and Economic Development's administrative regulations implementing Act 166, the Pennsylvania Floodplain Management Act, the following obstructions and activities are prohibited if located entirely or partially within an identified flood-prone area unless a special permit is issued. [Ord. 47]

- A. Hospitals (public or private)
- B. Nursing Homes (public or private)
- C. Jails or prisons
- D. New manufactured home parks and manufactured home subdivisions, and substantial improvements thereto. [Ord. 10/5/1987]

(Ord. 4/6/1981, §6.00; as amended by Ord. 10/5/1987, 10/5/1987, §7; as amended by Ord. 47, 7/9/2001)

**§8-602. Special Permit Application Requirements.**

Application for a special permit shall consist of at least five copies of the following items:

- A. A written request which includes the information specified in §203(1)(A-C),(2).
- B. The following documentation:
  - (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing and single parcel, owned by the applicant or the client he represents.
  - (2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood.
  - (3) 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 100 year flood, including a statement concerning the effects such pollution may have on human life.

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- (4) A statement, certified by a registered professional engineer or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows.
- (5) 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 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows.
- (6) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

(Ord. 4/6/1981, §6.01)

### **§8-603. Review of Application for Special Permit.**

Upon receipt of an application for a special permit by the Township of Towanda the following procedures shall apply in addition to those of Part 2:

- A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. (The County may send any comments it may have concerning the application to the Township and the Department of Community and Economic Development.) Copies of the application shall also be forwarded to the Township Planning Commission and the Township Engineer for review and comment. [Ord. 47]
- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
- C. When an application is approved, the Township shall file written notice of such approval, together with the application and all pertinent information, with the Department of Community and Economic Development, within five working days after approval, by registered or certified mail. [Ord. 47]
- D. A special permit shall be issued for activities to be undertaken in connection with that proposed in the approved application. But, no work shall commence until 30 days after the notice has been received by the Department.



- E. If the Department notifies the Township and the applicant, in writing, that the application is disapproved within the 30 day period mentioned in subsection (D), above, the special permit shall not become effective.

(Ord. 4/6/1981, §6.02; as amended by Ord. 47, 7/9/2001)

**§8-604. Special Technical Requirements.**

1. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those in Part 4 of this Chapter, or in any other code, ordinance or regulation, the more restrictive provision shall apply.
2. 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:
  - A. Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located and constructed so that:
    - (1) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the 100 year flood elevation.
    - (2) The first floor elevation will be at least 1 1/2 feet above the 100 year flood elevation.
    - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
  - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
3. All hydrologic and hydraulic analysis 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 the Department of Community and Economic Development. [Ord. 47]
4. In approving any application for a special permit, the Township of Towanda may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety and welfare of the public.

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(Ord. 4/6/1981, §6.03; as amended by Ord. 47, 7/9/2001)

**PART 7**

**VARIANCES**

**§8-701. Variances.**

1. If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.
2. Request for variances shall be considered by the Township in accordance with the procedures contained in §212 and the following procedures.
  - A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.
  - B. If granted, a variance shall involve only the least modification necessary to provide relief.
  - C. In granting any variance, the Township of Towanda shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objective of this Chapter.
  - D. Whenever a variance is granted, the Township of Towanda 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.
  - E. In reviewing any request for a variance, the Township of Towanda shall consider, but not be limited to, 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.
    - (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinance and regulations.

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- F. A complete record of all variances requests and related actions shall be maintained by the Township of Towanda. In addition, a report of all variances granted during the year shall be included in the annual report to the Flood Insurance Administration.
- G. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements retaining specifically to development regulated by special permit (Part 6) or to development which may endanger human life (§405). [Ord. 47]

(Ord. 4/6/1981, Article VII; as amended by Ord. 47, 7/9/2001)

**PART 8**

**DEFINITIONS**

**§8-801. General.**

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter its most reasonable application.

(Ord. 4/6/1981, §8.00)

**§8-802. 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.

**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. [Ord. 10/5/1987]

**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.

**CONSTRUCTION** — the construction, reconstruction, renovation, repair, extension, alteration or relocation of a building or structure, including the placement of manufactured homes. [Ord. 10/5/1987]

**DEVELOPMENT** — any manmade change to improved or unimproved real estate including, but not limited to, buildings, other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavating, mining, dredging or drilling operations and the subdivision of land. [Ord. 10/5/1987]

**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.

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

**FLOODPLAIN** — see definition of “flood-prone area.”

**FLOODPROOFING** — any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to

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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 unusual and rapid accumulation of surface waters from any source.