ORDINANCE NO. 2 4

AN ORDINANCE FOR THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 18-1979 AND NO. 21-1984 TO UPDATE THE FLOODPLAIN MANAGEMENT WITHIN THE TOWNSHIP IN ACCORDANCE WITH THE PENNSYLVANIA FLOODPLAIN MANAGEMENT ACT

BE IT ENACTED and ORDAINED by the Supervisors of the Township of Upper Bern, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. That Section 3.00 of Ordinance No. 18-1979 and No. 21-1984 as amended, shall now be amended to read as follows:

Section 3.00 Identification

The identified floodplain area shall be any area of the Township of Upper Bern, subject to the one hundred (100) year flood, which is identified as Zone A on the Flood Insurance Rate Map (FIRM) dated November 5, 1982, as issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

SECTION 2. That Section 3.01 of said Ordinances shall be amended to read as follows:

For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

SECTION 3. That the second paragraph in Section 4.00.C shall be amended to read as follows:

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with th 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), 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.

SECTION 4. That Section 4.00 shall be further amended by adding the following paragraph which will be known as 4.00.D:

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

SECTION 5. That Section 4.02 shall be amended to read as follows:

Section 4.02 Special Requirements for Manufactured Homes

A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. Where permitted any identified floodplain area, all manufactured homes and additions thereto shall be:

1. anchored to permanent foundations to resist flotation, collapse, or lateral movement by using standards such as those found in the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Park Requirements (NFPA no. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones, or other appropriate standards such as the following:

a. over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

b. frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

c. all components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

2. elevated in accordance with the following requirements:

a. the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.

b. adequate surface drainage is provided.

c. adequate access for a hauler is provided.

d. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks.

SECTION 6. That Section 6.01 shall be amended as follows:

Section 6.01 Activities Requiring Special Permits

In accordance with the administrative regulations promulgated by the Department of Community Affairs 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.

The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. hospitals

2. nursing homes

3. jails or prisons

4. The commencement of, or any construction of, a new mobile home park or mobile home subdivision or substantial improvement to an existing mobile home park or mobile home subdivision.

Section 6.01 A. Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

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

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

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

1. north arrow, scale and date;

2. topography based upon the National Geogetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. all property and lot lines including dimensions and the size of the site expressed in acres of square feet;

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

5. 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;

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

7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application.

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

1. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

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

4. detailed information concerning any proposed floodproofing measures;

5. cross-section drawings for all proposed streets, drives, 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; and

7. 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:

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

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 one hundred (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 one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

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

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 buyoant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development;"

7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

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

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

Section 6.01 E. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and 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, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

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

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

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

Section 6.01 C. Special Technical Requirements

A. In addition to the other requirements of this Article, 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 those in any Article of the Ordinance or in any other code, ordinance, 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:

1. 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:

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

b. the lowest floor elevation will be at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation.

c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

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

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, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

SECTION 7. That said Ordinances shall be further amended by adding 6.04 which shall read as follows:

Section 6.04 Development Which May Endanger Human Life

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

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

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

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

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

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium

11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

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

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

1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 1/2) feet above the one hundred (100) year flood.

2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

SECTION 8. That Article VII of said Ordinances shall be amended by adding the following subsection:

(VII) 6. a. Except for a possible modification of the freeboard requirements involved, no variance will be granted for any of the other requirements pertaining specifically to Development Regulated by Special Permit (Section 6.01) or to Development Which May Endanger Human Life (Section 6.04).

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

SECTION 9. That Section 8.01 shall be amended in part under subsection I and J as follows:

8.01.I. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes mobile homes, park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

8.01.J. Manufactured home park - a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

SECTION 10. That said Ordinances shall be further amended by changing the term "mobile home" whenever used in said Ordinances with the term "manufactured home". This change applies when used in Section 8.01.B, C, D, O, and P, as well as any other places within the said Ordinances.

SECTION 11. That all other provisions of the said Ordinances as herein amended shall remain in full force and effect.

SECTION 12. That any Ordinance or part of any other Ordinance inconsistent with this Ordinance is hereby repealed to the extent that the same is inconsistent with the terms herein set forth.

ENACTED and ORDAINED the _____ day of _____, 1987.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF UPPER BERN

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