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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. 727, 11/14/1979, §7401)

§8-102. Applicability.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development any where within the Borough of Aspinwall unless an approved building permit has been obtained from the Code Official/Building Inspector.

(Ord. 727, 11/14/1979, §7402; as amended by Ord. 995, 12/10/2003)

PART 2
ADMINISTRATION

§8-201. Building Permits Required.

Building permits shall be required before any construction or development is undertaken within any area of the Borough of Aspinwall.

(Ord. 727, 11/14/1979, §7403)

§8-202. Issuance of Building Permit.

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a building permit has been obtained from the Building Permit Officer. The Code Official/Building Inspector 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 Chapter; Building Construction [Chapter 5, Part 1] and the Zoning Ordinance [Chapter 27], and all other applicable codes and ordinances. Any activity identified as requiring a special permit by Part 5, "Activities Requiring a Special Permit," of this Chapter must comply with all provisions of that Part, in addition to any other applicable requirements of this Chapter, before a building permit shall be issued. The Code Official/Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements or other development comply with §§8-401, 8-402 and 8-404 of this Chapter.
2. Prior to the issuance of any building permit, the Code Official/Building Inspector 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 of 1979, and the Federal Water Pollution Control Act amendments of 1972, §404, 33 U.S.C. 1334. No permit shall be issued until this determination has been made.

(Ord. 727, 11/14/1979, §7404; as amended by Ord. 730, 12/12/1979, §2.01; by Ord. 806, 6/11/1986; by Ord. 818, 1/14/1987, §1; and by Ord. 911, 9/13/1995, §1; and by Ord. 995, 12/10/2003)

§8-203. Application Procedures.

1. **Application Form.** Application for such a building permit shall be made, in writing, to the Code Official/Building Inspector on forms supplied by the Borough of Aspinwall. Such application shall contain at least the following: [*Ord. 995*]

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- A. Name and address of applicant.
 - B. Name and address or 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. Proposed lowest floor and basement elevations in relation to mean sea level, i.e., National Geodetic Vertical Datum of 1929.
 - G. Brief description of proposed work and estimated cost.
 - H. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. **Specific Information Required.** If any proposed construction or development is located within, or partially within, any identified flood-prone area, applicants for building permits shall also provide the following specific information:
- A. A plan which accurately delineates the identified flood-prone area, the location of the proposed construction, the location of any adjacent flood-prone development or structures and the location of any existing or proposed subdivision and land development in order to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage.
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - B. Such plan shall also include existing and proposed contours; information concerning 100-year flood elevations, velocities and other applicable information such as pressures, impact and uplift forces, associated with the 100-year flood; size of structures; location and elevations of streets; water supply and sanitary sewage facilities; soil types; and, flood proofing measures.
 - C. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately 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.

- D. A document, certified by a registered professional engineer or architect, which states that any fully enclosed area below the lowest floor meets the design requirements of 44 CFR 60.3(c)(5). [*Ord. 965*]

(*Ord. 727*, 11/14/1979, §7405; as amended by *Ord. 965*, 7/12/2000, §7405; and by *Ord. 995*, 12/10/2003)

§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 area to be considered for approval shall be submitted by the Code Official/Building Inspector 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 Code Official/Building Inspector for possible incorporation into the proposed plan.

(*Ord. 727*, 11/14/1979, §7406; as amended by *Ord. 995*, 12/10/2003)

§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 Code Official/Building Inspector to any other appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

(*Ord. 727*, 11/14/1979, §7407; as amended by *Ord. 995*, 12/10/2003)

§8-206. Changes.

After the issuance of a building permit by the Code Official/Building Inspector, 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 Code Official/Building Inspector.

(*Ord. 727*, 11/14/1979, §7408; as amended by *Ord. 995*, 12/10/2003)

§8-207. Placards.

In addition to the building permit, the Code Official/Building Inspector shall issue a

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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 Code Official/Building Inspector.

(Ord. 727, 11/14/1979, §7409; as amended by Ord. 995, 12/10/2003)

§8-208. Start of Construction.

Work on the proposed construction shall begin within 6 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 Code Official/Building Inspector. Construction shall be considered to have started with the first placement of permanent construction of a structure on the site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, 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.

(Ord. 727, 11/14/1979, §7410; as amended by Ord. 911, 9/13/1995, §2; and by Ord. 995, 12/10/2003)

§8-209. Inspection and Revocation.

During the construction period, the Code Official/Building Inspector or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough of Aspinwall laws and ordinances. In the event the Code Official/Building Inspector 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 of misrepresentation by any applicant, the Code Official/Building Inspector shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.

(Ord. 727, 11/14/1979, §7411; as amended by Ord. 995, 12/10/2003)

§8-210. Fees.

Application for a building permit for construction in an identified flood-prone area shall be accompanied by a fee, payable to the Borough of Aspinwall, based on the estimated cost of the proposed construction as determined by the Code Official/Building Inspector at rates, as established from time to time by resolution of the Borough Council.

(Ord. 727, 11/14/1979, §7412; as amended by Ord. 995, 12/10/2003)

§8-211. Enforcement.

1. **Enforcement Notices.** Whenever the Code Official/Building Inspector or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter or of any regulation adopted pursuant thereto, such authority shall issue an enforcement notice in the form and manner set forth in §27-710 of the Borough Zoning Ordinance [Chapter 27].
2. **Appeals to the Zoning Hearing Board.** The recipient of an enforcement notice issued pursuant to subsection (1), above, shall have the right to appeal to the Zoning Hearing Board within 10 days of receipt of the enforcement notice pursuant to the procedures set forth in Part 8, “Administration and Enforcement” of the Zoning Ordinance, [Chapter 27].
3. **Penalties.** Any person, partnership or corporation 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 Code Official/Building Inspector or any other authorized employee of the Borough shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than \$100 nor more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. Each day during which any violation of this Chapter continues shall constitute a separate offense. The procedure for imposition of liability in a civil enforcement proceeding shall be as set forth in the Pennsylvania Municipalities Planning Code. A civil enforcement proceeding may be initiated by the Code Official/Building Inspector without prior consent of Borough Council as further provided in §27-701(G) of the Zoning Ordinance [Chapter 27]. 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 Borough Council to be a public nuisance and abatable as such. [*Ord. 995*]

(*Ord. 727*, 11/14/1979, §7413; as amended by *Ord. 806*, 6/11/1986; by *Ord. 851*, 7/12/1989, §3; and by *Ord. 995*, 12/10/2003)

§8-212. Appeals.

Any landowner or person aggrieved by an action or decision of the Code Official/Building Inspector, or by any of the requirements of this Chapter, may appeal to the Zoning Hearing Board in the time and manner and pursuant to the procedures set forth in Part 7, “Administration and Enforcement” of the Zoning Ordinance [Chapter 27]. Such appeal must be filed, in writing, within 10 days after the decision or action of the Code Official/Building Inspector.

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(*Ord. 727*, 11/14/1979, §7414; as amended by *Ord. 851*, 7/12/1989, §4; and by *Ord. 995*, 12/10/2003)

PART 3

IDENTIFICATION OF FLOOD-PRONE AREAS

§8-301. Identification of Flood-Prone Areas.

1. For the purposes of this Chapter, the areas considered to be flood-prone within the Borough of Aspinwall shall be those areas identified as being subject to the 100-year flood in the Flood Insurance Study prepared for the Borough of Aspinwall by the Federal Insurance Administration dated October 4, 1995, or the most recent revision thereof. [*Ord. 912*]
2. A map showing all areas considered to be flood-prone is available for inspection at the Borough of Aspinwall offices. For the purposes of this Chapter, the following nomenclature issued in referring to the various kinds of flood-prone areas:
 - A. FW (Floodway Area) - the area identified as “Floodway” in the Flood Insurance Study prepared by the FIA.
 - B. FF (Flood-Fringe Area) - the areas identified as “Floodway Fringe” in the Flood Insurance Study prepared by the FIA.

(*Ord. 727, 11/14/1979, §7415; as amended by Ord. 912, 11/8/1995, §7415*)

§8-302. [Reserved].

(*Ord. 727, 11/14/1979, §7416*)

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

1. The areas considered to be flood-prone may be revised or modified by the Borough Council 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. 727, 11/14/1979, §7417*)

§8-304. Disputes.

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Code Official/Building Inspector. Any landowner or person aggrieved may appeal the Code Official/Building Inspector’s determination to the

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Zoning Hearing Board pursuant to the procedure set forth in Part 7, “Administration and Enforcement,” of the Zoning Ordinance [Chapter 27].

(*Ord. 727*, 11/14/1979, §7518; as amended by *Ord. 851*, 7/12/1989, §5; and by *Ord. 995*, 12/10/2003)

PART 4

TECHNICAL PROVISIONS

§8-401. General.

1. **Encroachments to Watercourses.** 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 Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the Borough prior to any alteration or relocation of any watercourse. [*Ord. 995*]

2. **Construction in FW and FF.** 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 1 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 Data Table of the FIS itself.

 - B. 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.

(*Ord. 727*, 11/14/1979, §7419; as amended by *Ord. 730*, 12/12/1979, §4.00; and by *Ord. 995*, 12/10/2003)

§8-402. Elevation and Floodproofing Requirements.

1. **Residential Structures.** Within any FW, FF or FA area, the lowest floor (including basement) of any new construction or substantially improved residential structure shall be at least 1½ feet above the 100-year flood elevation. For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this

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requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- A. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
- B. The bottom of all openings shall be no higher than 1 foot above grade.
- C. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

[*Ord. 912*]

- D. All fully enclosed areas below the lowest floor must meet the specifications of 44 CFR 60.3 (c)(5). [*Ord. 965*]

2. **Nonresidential Structures.** The following provisions shall apply:

- A. Within any FW, FF or FA area, the lowest floor (including basement) of any new construction or substantially improved nonresidential structure shall be at least 1½ feet above the 100-year flood elevation or be designed and constructed so that space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. If fully enclosed areas below the lowest floors are not designed to remain either completely or essentially dry as provided in the previous sentence, they shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters. [*Ord. 912*]
- B. Where a nonresidential structure is intended to remain either completely or essentially dry as provided in subsection (A), a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for ensuring that, together with the attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability 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.

(*Ord. 727*, 11/14/1979, §7420; as amended by *Ord. 730*, 12/12/1979, §4.01; by *Ord. 818*, 1/14/1987, §3; by *Ord. 911*, 9/13/1995, §3; and by *Ord. 912*, 11/8/1995, §7420; and by *Ord. 965*, 7/12/2000)

§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 Code Official/Building Inspector. [*Ord. 995*]
 - (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 storm water runoff in a safe and efficient manner. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties and in accordance with the provisions of the Zoning Ordinance [Chapter 27].
- 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 water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.
- E. **Streets.** The finished elevation of proposed new streets shall be no more than 1 foot below the regulatory flood elevation.

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- F. **Utilities.** All utilities such as gas lines, electrical and telephone 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.** No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.
- 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.** All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

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.** The following shall apply:
 - (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.
 - (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 material.
- K. **Paints and Adhesives.** The following shall apply:
 - (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. The following shall apply:

- (1) Electrical 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 3 feet above the 100-year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing. The following shall apply:

- (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 the infiltration of flood waters into the system and discharges from the system into flood waters.
- (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. 727*, 11/14/1979, §7421; as amended by *Ord. 806*, 6/11/1986; and by *Ord. 995*, 12/10/2003)

§8-404. Special Requirements for Manufactured Homes.

1. **Anchoring.** All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home 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 corners of the manufactured home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side

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- for units less than 50 feet in length.
 - B. Frame ties shall be provided at each corner of the manufactured home, with five additional ties per side at intermediate locations for units 50 feet or more in length and four additional ties per side for units less than 50 feet in length.
 - C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- 2. **Elevation.** All manufactured homes and any improvements thereto shall be elevated on a permanent foundation in accordance with the following requirements: [*Ord. 912*]
 - 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 at or above the elevation of the regulatory 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 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.
- 3. An excavation plan indicating alternate vehicular access and escape routes shall be filed with the Borough of Aspinwall for manufactured home parks and manufactured home subdivisions where appropriate.
- 4. No manufactured home shall be placed in any designated floodway area.

(*Ord. 727*, 11/14/1979, §7422; as amended by *Ord. 818*, 1/14/1987, §4; by *Ord. 911*, 9/13/1995, §4; and by *Ord. 912*, 11/8/1995, §7422)

§8-405. Development Which May Endanger Human Life.

- 1. **Applicability.** In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: [*Ord. 995*]
 - A. Will be used for the production or storage of any of the following dangerous materials or substances.
 - B. 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.

- C. 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:

- A. Acetone.
- B. Ammonia.
- C. Benzene.
- 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.
- O. Sodium.
- P. Sulphur and sulphur products.
- Q. Pesticides (including insecticides, fungicides, and rodenticides).
- R. Radioactive substances, insofar as such are not otherwise regulated.

[*Ord. 911*]

- 2. Within any floodway area any structure of the kind described in subsection (1), above, shall be prohibited.
- 3. Where permitted within any flood fringe area or general floodplain area, any

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structure of the kind described in subsection (1), above, shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- B. Designed to prevent pollution from the structure or activity during the course of a 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 flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

- 4. Within any general floodplain area, any structure of the kind described in subsection (1), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- 5. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

(*Ord. 727*, 11/14/1979, §7423; as added by *Ord. 776*, 10/13/1983, §4.04; as amended by *Ord. 806*, 6/11/1986; by *Ord. 911*, 9/13/1995, §7; and by *Ord. 995*, 12/10/2003)

PART 5

ACTIVITIES REQUIRING SPECIAL PERMITS

§8-501. Identification of Activities Requiring a Special Permit.

In accordance with the Pennsylvania Floodplain Management Act and regulations adopted by the Department of Community and Economic Development, as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within any identified floodplain area: [*Ord. 995*]

- 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:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.
 - (4) New manufactured home parks or manufactured home subdivisions, and substantial improvement to an existing manufactured home park or manufactured home subdivision.

(*Ord. 727*, 11/14/1979, §7424; as added by *Ord. 776*, 10/13/1983, §2.12; as amended by *Ord. 818*, 1/14/1987, §5; by *Ord. 911*, 9/13/1995, §5; and by *Ord. 995*, 12/10/2003)

§8-502. Application Requirements.

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 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

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- (4) The location of all existing streets, drives, other access ways 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 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.
 - (8) Any other information which the Borough 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 100-year flood.
 - (4) Detailed information concerning any proposed flood-proofing measures.
 - (5) Cross-section drawings for all proposed streets, drives, other access ways and parking areas, showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives and vehicular access ways 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.
- 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 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.
- (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 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) The appropriate component of the Department of Environmental Protections' "Planning Module for Land Development." [*Ord. 995*]
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [*Ord. 995*]
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-16. [*Ord. 995*]
- (9) 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. 727*, 11/14/1979, §7425; as added by *Ord. 776*, 10/13/1983, §2.12; and by *Ord. 995*, 12/10/2003)

§8-503. Application Review Procedures.

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Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to all other applicable permit procedures which are already established.

- A. Within 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 certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.
- B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respects the application is deficient.
- C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by certified mail, within 5 working days after the date of approval. [*Ord. 995*]
- E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days after receipt of the notification by the Department to review the application and the decision made by the Borough. [*Ord. 995*]
- F. If the Borough does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant. [*Ord. 995*]
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit. [*Ord. 995*]

(*Ord. 727*, 11/14/1979, §7425; as added by *Ord. 776*, 10/13/1983, §2.12; and by *Ord. 995*, 12/10/2003)

§8-504. Technical Requirements for Development Requiring a Special Permit.

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:

- A. No application for a special permit shall be approved unless it can be

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 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.
 - (b) The lowest floor elevation (including basement) will be at least 1½ feet above the 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 100-year flood.
- (2) Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.

B. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development. [*Ord. 995*]

(*Ord. 727*, 11/14/1979, §7425; as added by *Ord. 776*, 10/13/1983, §2.12; and by *Ord. 995*, 12/10/2003)

§8-505. Location in Floodplain.

Within any identified floodplain area, any structure of the kind described in §8-404, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

(*Ord. 727*, 11/14/1979, §7425; as added by *Ord. 776*, 10/13/1983, §2.12)

§8-506. Variances for Special Permits.

Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

(*Ord. 727*, 11/14/1979, §7425; as added by *Ord. 776*, 10/13/1983, §2.12)

PART 6

VARIANCES

§8-601. Application for Variances.

1. If compliance with the elevation or flood proofing requirements of this Chapter would result in an exceptional hardship for a prospective builder, development or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirement.
2. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in §8-212 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 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 Chapter.
 - D. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - E. Before granting any request for a variance, the Zoning Hearing Board shall find 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 public 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 variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- 3. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the 100-year flood.

(*Ord. 727*, 11/14/1979, §7430; as amended by *Ord. 851*, 7/12/1989, §6)

PART 7

EXISTING STRUCTURES IN FLOOD-PRONE AREAS

§8-701. Conditions for Continuation.

1. Structures existing in any identified flood-prone area prior to November 14, 1979, but which are not in compliance with this Chapter, may continue to remain subject to the conditions of this Section.
2. 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.
3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
4. 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 this Chapter.

(Ord. 727, 11/14/1979, §7431)

PART 8

DEFINITIONS

§8-801. General.

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

(Ord. 727, 11/14/1979, §7432)

§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.

BASEMENT - any area of the building having its floor subgrade (below ground level) on all sides. [*Ord. 912*]

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. 911*]

CODE OFFICIAL/BUILDING INSPECTOR - for purposes of this Chapter, the Code Official/Building Inspector of the Borough, the Borough Code Enforcement Officer, Zoning Officer, Manager or other designee of the Borough Manager or Borough Council. [*Ord. 995*]

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, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

DEVELOPMENT - any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, or storage of equipment or materials, and the subdivision of land. [*Ord. 912*]

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of some water vapor of minor seepage; the structure is substantially impermeable to the passage of water.

FLOOD - a temporary inundation of normally dry land areas.

FLOODPLAIN - see definition of "flood-prone area."

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FLOODWAY - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude. [*Ord. 911*]

FLOOD PROOFING - means 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.

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.

HISTORIC STRUCTURE - any structure that is:

- A. Listed individually in the National Register of Historic Places, (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior.
 - (2) Directly by the Secretary of the Interior in States without approved programs.

[*Ord. 912*]

IDENTIFIED FLOOD-PRONE AREA - the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood. Included would be areas identified as Floodway (FW) and Flood-Fringe (FF). [*Ord. 730*]

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

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of §8-402 of this Chapter.

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 "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

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

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

REGULATORY FLOOD ELEVATION - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items.

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the division of land for agriculture purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

(*Ord. 727*, 11/14/1979, §7433; as amended by *Ord. 730*, 12/12/1979, §7.01; by *Ord. 818*, 1/14/1987, §6; by *Ord. 851*, 7/12/1989, §7; by *Ord. 911*, 9/13/1995, §6; by *Ord. 912*, 11/8/1995, §7433; and by *Ord. 995*, 12/10/2003)

