

Chapter 8

Floodplains

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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.
- E. Comply with Federal and State floodplain management requirements.

(Ord. 1-1990, 2/10/1990, §1.00)

§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 anywhere within the Township unless an approved building permit has been obtained from the Building Permit Officer or Zoning Officer.

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 and provided that a building permit is not required by other Township ordinances.

(Ord. 1-1990, 2/10/1990, §1.01)

§8-103. Abrogation and Greater Restrictions.

This Chapter supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.

(Ord. 1-1990, 2/10/1990, §1.02)

§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. Flood heights may be increased by man-made or natural cause, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified floodplain area, or that land use permitted within such areas will be free from flooding or flood damages.

2. This Chapter shall not create liability on the part of the Township 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. 1-1990, 2/10/1990, §1.03*)

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 Township.

(*Ord. 1-1990, 2/10/1990, §2.00*)

§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 government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*; the Pennsylvania Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*; the Pennsylvania Clean Streams Act, 35 P.S. §691.1 *et seq.*; the U.S. Clean Water Act, §404, 33 U.S.C. §1344. 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 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. [*Ord. 3-2008*]

4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse. [*Ord. 3-2008*]

(*Ord. 1-1990, 2/10/1990, §2.01; as amended by Ord. 3-2008, 11/13/2008*)

§8-203. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following:

- A. Name and address of applicant.
- 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.

H. Any other information required by other ordinances of the Township.

2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other ordinances.

B. All utilities and facilities, such as sewer, gas, electrical 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.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §8-501) as may be required by the Building Permit Officer to make the above determination:

A. A completed building permit application form.

B. 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) Existing and proposed topographic contour lines.

(3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.

(4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.

(5) The location of all existing street, drives, and other accessways.

(6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(7) Lowest floor and basement floor elevations in relation to mean sea level of all existing buildings and structures.

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

(1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(2) The elevation of the 100-year flood.

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.

(4) Detailed information concerning any proposed floodproofing measures.

D. The following data and documentation:

(1) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District, when combined with all other existing and

anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.

(2) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(3) Detailed information needed to determine compliance with §8-403.F, "Storage," and §8-501, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

(b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §8-501 during a 100-year flood.

(4) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [Ord. 3-2008]

(5) Where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control. [3-2008]

(Ord. 1-1990, 2/10/1990, §2.02; as amended by Ord. 3-2008, 11/13/2008)

§8-204. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area 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. 1-1990, 2/10/1990, §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 floodplain area to be considered for approval shall 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 as required by provisions of the Township Subdivision and Land Development Ordinance [Chapter 22] and Township Zoning Ordinance [Chapter 27].

(Ord. 1-1990, 2/10/1990, §2.04)

§8-206. Changes.

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications

or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

(Ord. 1-1990, 2/10/1990, §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. 1-1990, 2/10/1990, §2.06)

§8-208. Start of Construction.

1. Work on the proposed construction and/or development shall begin within 6 months and shall be completed within 12 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 clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request as specified in the Township Zoning Ordinance [Chapter 27].

(Ord. 1-1990, 2/10/1990, §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 municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

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, upon presentation of proper credentials, 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 for whatever action it considers necessary.

4. A record of all such inspections and violations of this Chapter shall be maintained.

(Ord. 1-1990, 2/10/1990, §2.08)

§8-210. Fees.

Applications for a building permit for a building, structure or any other improvement within a 100-year floodplain area shall be accompanied by a fee payable to the Township of Clifton as provided for in the Township Fee Schedule as set by resolution of the Township Board of Supervisors.

(Ord. 1-1990, 2/10/1990, §2.09)

§8-211. Enforcement.

1. *Notices.* Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there had been a violation of any provisions of this Chapter, or of any regulation adopted pursuant thereto, the Building Permit Officer 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.

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 municipality shall be guilty of an offense and, upon conviction thereof in an action brought before a magisterial district judge 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 Part continues or each Section of this Part 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 development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter may be declared by the Board to be a public nuisance and abatable as such. [Ord. 3-2008]

(Ord. 1-1990, 2/10/1990, §2.10; as amended by Ord. 3-2008, 11/13/2008)

§8-212. Appeals.

1. Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Chapter, may appeal to the Board. Such appeal 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 shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be give to all parties.

3. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*

(*Ord. 1-1990, 2/10/1990, §2.11*)

Part 3**Identification of Floodplain Areas****§8-301. Identification.**

The identified floodplain area shall be those areas of the Township of Clifton which are subject to the 100-year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated February 2, 1990, or the most recent revision.

(Ord. 1-1990, 2/10/1990, §3.00)

§8-302. Description of Floodplain Areas.

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

A. The AE Area shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which 100-year flood elevations have been provided in the FIS.

B. The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where 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.

C. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted to sufficient detail to allow a thorough technical review by the Township.

(Ord. 1-1990, 2/10/1990, §3.01)

§8-303. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(Ord. 1-1990, 2/10/1990, §3.02)

§8-304. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party

aggrieved by this decision may appeal to the Board. The burden of proof shall be on the appellant.

(Ord. 1-1990, 2/10/1990, §3.03)

Part 4**General Technical Requirements****§8-401. General.**

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.

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

3. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.

4. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

5. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the 100-year flood elevation.

6. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the 100-year flood elevation or be floodproofed up to that height. Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1½ feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing 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.

7. Enclosed areas below the lowest floor (including basement) are prohibited.
(*Ord. 1-1990, 2/10/1990, §4.00*)

§8-402. Special Requirement for the AE Area/District.

Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.

(*Ord. 1-1990, 2/10/1990, §4.01*)

§8-403. Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain 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, souring, or settling.

(4) Be no steeper than one vertical to two horizontal feet 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.

(6) Meet other applicable requirements of the Township Zoning Ordinance [Chapter 27].

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 proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. *Water and Sanitary Sewer Facilities and Systems*.

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. *Other Utilities*. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. *Streets*. The finished elevation of all new streets shall be no more than 1 foot below the regulatory flood elevation.

F. *Storage*. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in §8-501, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation.

G. *Placement of Buildings and Structures*. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and

height of flood water.

H. *Anchoring.*

(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 regulatory flood elevation shall be made of metal or other water-resistant material.

J. *Paints and Adhesives.*

(1) Paints or other finishes used at or below regulatory flood elevation shall be of “marine” or water-resistant quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or water-resistant variety.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other finishing material.

K. *Electrical Components.*

(1) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

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

L. *Equipment.*

(1) Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(2) Electrical distribution panels shall be at least 3 feet above the level of the 100-year flood elevation.

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

M. *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ord. 1-1990, 2/10/1990, §4.02)

§8-404. Special Requirements for Manufactured Homes.

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

2. Where permitted within any identified floodplain area, all manufactured homes

and additions thereto shall be:

A. Placed on a permanent foundation.

B. 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:

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

(2) Frame ties shall be provided at each corner of the mobile 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.

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

C. Elevated in accordance with the following requirements:

(1) The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the regulatory flood elevation.

(2) Adequate surface drainage is provided.

(3) Adequate access for a hauler is provided.

(4) 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.

D. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks and mobile home subdivisions where appropriate.

(Ord. 1-1990, 2/10/1990, §4.03)

Part 5**Prohibited Structures and Uses in Identified Floodplain Areas****§8-501. Development and Uses Which May Endanger Human Life.**

1. Any new or substantially improved structure or new or expanded use which:
 - 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 prohibited within the floodprone areas of Clifton Township.

2. The following list of materials and substances are considered dangerous to human life:
 - A. Acetone.
 - B. Ammonia.
 - C. Benzene.
 - D. Calcium carbide.
 - E. Calcium 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 substances are not otherwise regulated.

(Ord. 1-1990, 2/10/1990, §5.01)

§8-502. Structures and Activities are Prohibited in the Identified Floodplain Areas of the Township.

1. The following structures and activities are prohibited in the identified

floodplain areas of the Township:

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

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 1-1990, 2/10/1990, §5.02)

§8-503. No Variances Shall Be Granted.

No variances shall be granted for the prohibited uses and structures contained in §8-501 of this Chapter.

(Ord. 1-1990, 2/10/1990, §5.03)

Part 6**Existing Structures in Identified Floodplain Areas****§8-601. Existing Structures.**

The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §8-602 shall apply.

(Ord. 1-1990, 2/10/1990, §6.00)

§8-602. Improvements.

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood.

2. No expansion or enlargement of an existing structure shall be allowed within any AE area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point.

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

4. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 1-1990, 2/10/1990, §6.01)

Part 7**Variances****§8-701. General.**

If compliance with any of the requirements of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

(Ord. 1-1990, 2/10/1990, §7.00)

§8-702. Variance Procedures and Conditions.

1. Request for variances shall be considered by the Township in accordance with the procedures contained in §8-212 and the following:

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

C. No variance shall be granted which would allow the prohibited structures, uses or activities which may endanger human life, as identified in §8-501, to locate or expand within any identified floodplain area.

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

E. In granting any variance, the Township 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.

F. Whenever a variance is granted, the Township 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.

G. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:

(1) That there is good and sufficient cause.

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

(3) That the granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (b) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

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

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

(Ord. 1-1990, 2/10/1990, §7.01)

Part 8**Definitions****§8-801. General.**

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

(Ord. 1-1990, 2/10/1990, §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.

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 and the subdivision of land.

Flood - a temporary inundation of normally dry land areas.

Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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.

Manufactured home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

One hundred year flood - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1 percent 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 subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings shall be exempted.

Substantial improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (A) before the improvement or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred.

(Ord. 1-1990, 2/10/1990, §8.01)