

5/2/91

ORANGE TOWNSHIP

COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 1979 - 1

(As Amended by ORDINANCE NO. 1981 - 1,  
ORDINANCE NO. 1986 - 1 and ORDINANCE NO. 1990 - 1)

AN ORDINANCE REQUIRING ALL PERSONS,  
PARTENSHIPS, BUSINESSES AND CORPORATIONS  
TO OBTAIN A BUILDING PERMIT FOR ANY  
CONSTRUCTION OR DEVELOPMENT; PROVIDING  
FOR THE ISSUANCE OF SUCH BUILDING PERMITS;  
SETTING FORTH CERTAIN MINIMUM REQUIREMENTS  
FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN  
THE AREAS OF THE TOWNSHIP WHICH ARE SUBJECT  
TO FLOODING; AND ESTABLISHING PENALTIES FOR  
ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY  
WITH, THE REQUIREMENTS OR PROVISIONS OF  
THIS ORDINANCE.

WHEREAS, it is necessary that this municipality take certain  
steps to minimize loss of life and property due to flooding; and

WHEREAS, Part 60, Criteria for Land Management and Use, of  
the Flood Plain Management Regulations, published in the Federal  
Register, require that this township adopt an Ordinance providing  
for flood plain management; and

WHEREAS, the failure of the Township to adopt said Ordinance  
would require the loss of Federal flood insurance for the resi-  
dents of this Township, and may also mean the loss of State  
revenue.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of  
Supervisors of Orange Township, Columbia County, Pennsylvania,  
and it is hereby enacted and ordained by the authority of the  
same as follows:

## ARTICLE I GENERAL PROVISIONS

### Section 1. Intent

The intent of the Ordinance 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.

### Section 2. Applicability

- A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development within any identified flood-prone area in Orange Township, unless first approved by the Board of Supervisors and unless an approved Building Permit has been obtained from the Building Permit Officer.
- B. A Building Permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

Section 3. Abrogation and Greater Restrictions

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

Section 4. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, and such remaining portions shall remain in full force and effect. For this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 5. Warning and Disclaimer of Liability

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

This Ordinance shall not create liability on the part of Orange Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

## ARTICLE II ADMINISTRATION

### Section 1. Building Permits Required

Building Permits shall be required before any proposed construction or development is undertaken within Orange Township.

### Section 2. Issuance of Building Permit

- A. 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.
- B. No building permit shall be issued until all other required permits have been obtained from any other office or agency.

### Section 3. Application Procedures

Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by Orange Township. Such application shall contain at least 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. Brief description of proposed work and estimated cost.

- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

If the proposed construction or development is located within, or adjacent to, any identified flood-prone area, applicants for Building Permits shall also provide the following specific information:

- A. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for 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, elevated and constructed to minimize or eliminate flood damage; and
  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 One Hundred (100) Year Flood Elevations, velocities, and other

applicable information such as pressures, impact and uplift forces, associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing 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 one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (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.

- D. proposed lowest floor and basement elevations in relation to mean sea level.

#### Section 4. 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 Building Permit Officer to the County Conservation District for review and comment prior to

the issuance of a building permit. The recommendation of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

Section 5. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (eg., planning commission, municipal engineer, sewage inspection officer, etc.) for review and comment.

Section 6. Other Permit Issuance Requirements

Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits have been obtained. No permit shall be issued until this determination has been made.

Section 7. 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.

### Section 8. 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.

### Section 9. Start of Construction

Work on the proposed construction shall begin within six (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 Building Permit Officer. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any other work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or manufactured home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the



installation of pilings under proposed subsurface footings or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Section 10. Inspection and Revocation

During the construction period, the Building Permit Officer 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 laws and ordinances. 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 the applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Orange Township Supervisors for whatever action it considers necessary.

Section 11. Fees

Application for a building permit within or adjacent to the flood plain shall be accompanied by a fee, payable to Orange Township, which fee shall be established from time to time by resolution of the Board of Supervisors of Orange Township.

Section 12. Enforcement

A. Notices

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, such authority shall give notice fo 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 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 Commonwealth; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

B. Hearings

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, or of any regulation

adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Orange Township Supervisors provided that such person shall file with the Orange Township Supervisors' Secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. The Secretary or Orange Township shall provide the petitioner with a receipt indicating the acceptance of the petition and date upon which said petition was accepted. Upon receipt of such petition the Orange Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than twenty (20) days after the day on which the petition was filed; provided that upon application of the petitioner, the Orange Township Secretary may postpone the date of the hearing for a reasonable time beyond such twenty (20) day period when, in his or her judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and Order

After such hearing the Orange Township Supervisors shall make findings as to compliance with the provisions of this Ordinance and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice, which shall be served as provided in subsection A of this Section.

D. Record and Appeals

The proceedings at such a hearing, including the findings and decision of the Orange Twonship Supervisors and together with a copy of every notice and order relating thereto shall be entered as a matter of public record in the records of Orange Township, but the transcript of the proceedings need not be transcribed unless judicial review of this decision is sought as provided by this Section. Any person aggrieved by a decision of the Orange Township Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

E. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer

or any other authorized employee of Orange Township shall be guilty of an offense and, upon conviction, shall pay a fine to Orange Township of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned for a period not in excess of ten (10) days. Each day during which any violation of this Ordinance continues 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 Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation of non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Orange Township Supervisors to be a public nuisance and abatable as such.

Section 13. Appeals

- A. Any person aggrieved by an action or decision of the Building Permit Officer, or by any of the requirements of this Ordinance, may appeal to the Orange Township Supervisors. Such appeal must be filed in writing within thirty (30) days after the decision or action of the Building Permit Officer. The appeal shall be filed with the Secretary of Orange Township who shall note the date of filing thereon. Upon receipt of such appeal the Secretary of Orange Township shall set a time and place within not less than one (1) nor more than thirty (30) days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.
- B. Any person aggrieved by any decision of the Orange Township Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

**ARTICLE III IDENTIFICATION OF FLOOD-PRON AREAS**

Section 1. Identification

For the purposes of this Ordinance, the areas considered to be flood-prone within Orange Township shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance

Study prepared for Orange Township by the Federal Insurance Administration dated February 1, 1979.

A map showing all areas considered to be flood-prone is available for inspection at the Office of the Secretary of the Township and the Township Municipal Maintenance Building. For the purpose of this Ordinance the following nomenclature is used in referring to the various kinds of flood-prone areas:

- A. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA and any floodway areas identified in other studies for the FA (General Floodplain Area).
- B. FF (Flood-fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.
- C. FA (General Floodplain Area) - the areas identified as "Approximate 100 year Floodplain" in the Flood Insurance Study prepared by the FIA.

Section 2. Determination of the 100 Year Flood Elevation in FA (General Floodplain)

- A. FA (General Flood Plain) Areas

Method of Determination - to determine the "100 year flood" elevation for these areas, the elevation at a given point on the boundary of the identified flood prone area(s) which is nearest the construction site in question will be used. In helping to make this necessary elevation

determination, as well as to determine a Floodway Area, other sources of data where available shall be used such as:

1. Corps of Engineers - Flood Plain Information Reports
2. U.S. Geological Survey - Flood Prone Quadrangles
3. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)
4. Known Highwater Marks from Past Floods
5. Other Sources

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

### Section 3. Changes in Identification of Flood-Prone Areas

The areas considered to be flood-prone may be revised or modified by the Orange Township Supervisors where studies or information provided by a qualified agency



or person documents the need or possibility for such revision. No modification or revision of any area identified as being flood-prone in Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

Section 4. Disputes

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

**ARTICLE IV TECHNICAL PROVISIONS**

Section 1. General

A. 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, and until all required permits or approvals have been first obtained from the Commonwealth.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

B. Where a flood-prone area has been identified which includes a floodway area, the following provisions apply:

1. Within any designated floodway (FW) area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the effect of such proposed activity on flood heights is fully offset by accompanying improvements. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
2. Within any designated flood-fringe (FF) area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
3. Within any designated "FA" area, new construction, and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Ordinance, as well as any other applicable codes, ordinances, and regulations.

## Section 2. Elevation and Floodproofing Requirements

### A. Residential Structures

1. Within any FW, FF, or FA area, the lowest floor (including basement) of any new residential structure, shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.
2. Enclosures below the lowest floor (including basement) are prohibited.

### B. Non-residential Structures - other than detached garages and limited storage structures

1. Within any FW, FF, or FA area, the lowest floor (including basement) of any new non-residential structure, except for detached garages or limited storage structures as provided hereafter, shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation or shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a

registered professional engineer or architect stating that the proposed design and methods of construction are in conformance with the above-referenced standards.

2. Enclosures below the lowest floor (including basement) are prohibited.

C. Detached Garages and Limited Storage Structures -

A detached garage or other accessory structure which constitutes a minimal investment and which is used exclusively for parking or limited storage, which shall not include a basement, may have its lowest floor below the one hundred (100) year flood elevation subject to the following terms and conditions:

1. The usage of the structure shall be restricted to parking or limited storage;
2. The structure shall be built using unfinished and flood damage-resistant materials;
3. The structure shall be constructed and placed on the site so as to offer the minimum resistance to the flow of flood waters;
4. All mechanical and utility equipment must be elevated above the one hundred (100) year flood elevation or must be flood proofed;

5. The structure must be anchored to prevent flotation, collapse and lateral movement and must meet the openings requirement of Section 60.3(c)(5) of the National Flood Insurance Program Regulations;
6. The structure must comply with the floodway encroachment standards set forth in Article IV, Section 1, Subsection B, Part 1 hereof.

Section 3. 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 fifteen (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 (1) vertical or two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer;
5. Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure 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.

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 floodwaters into the systems and discharges from the systems into the floodwaters. 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. 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 one (1) foot below the Regulatory Flood Elevation.

F. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in 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

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

#### J. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be 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

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.



2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

L. Electrical Systems and Components

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

M. Plumbing

1. Water heaters, furnances, and other mechanical equipment or apparatus shall not be located below the Regulatroy Flood Elevation.
2. 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.

3. 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 provision shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 4. Special Requirements for Manufactured Homes

- A. All manufactured homes and any additions thereto shall be:
  1. Placed on a permanent foundation;
  2. Elevated so that the lowest floor of the manufactured home is one and one-half (1-1/2) feet above the one hundred (100) year flood elevation;
  3. Anchored to resist flotation, collapse and lateral movement.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks and manufactured home subdivisions where appropriate.
- C. No manufactured homes shall be placed in any designated Floodway area.

Section 5. Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Floodplain Management Act, and the regulation adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

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

shall be subject to the provisions of this section, in addition to all other applicable provisions.

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

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)

13. Phosphorus
  14. Potassium
  15. Sodium
  16. Sulphur and sulphur products
  17. Pesticides (including insecticides, fungicides and rodenticides)
  18. Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Within any FA (General Floodplain Area), any structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any structure of the kind described in Subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood and,
  2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the

standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Section 6. Prohibited Activities and Special Permits

- A. Hospitals, jails, mobile home parks and substantial improvements to existing mobile home parks shall be prohibited from locating within any identified floodplain area.
- B. New nursing homes and enlargements and expansion to existing nursing homes are allowed within any identified floodplain area, provided the Township, in consultation with the Pennsylvania Department of Community Affairs, issues a Special Permit for such activity. A Special Permit shall not be issued unless all the requirements of Section 38.6 of DCA's FLOODPLAIN MANAGEMENT REGULATIONS adopted pursuant to the Flood Plain Management Act (Act 166 of 1978) are met.

**ARTICLE V VARIANCES**

If compliance with the elevation or floodproofing requirements of this Ordinance would result in a exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirement.

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.12.A and the following procedures:

1. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
2. If granted, a variance shall involve only the least modification necessary to provide relief.
3. 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 Ordinance.
4. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - a. The granting of the variance may result in increased premium rates for flood insurance,
  - b. Such variances may increase the risks of life and property.
5. In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
  - a. That there is good and sufficient cause,
  - b. That failure to grant the variance would result in exceptional hardship to the applicant,

- c. 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 ordinances and regulations.
6. 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.
7. No variance shall be granted to allow any of the activities of Section 6.A. to be located in the identified floodplain.
8. Except for a possible modification of the freeboard, no variance shall be granted to any of the other requirements of Section 5.

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 one hundred (100) year flood.

## ARTICLE VI EXISTING STRUCTURES IN FLOOD-PRONE AREAS

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

1. Existing structures located in any designated 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.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

## ARTICLE VII DEFINITIONS

### Section 1. General

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



## Section 2. Specific Definitions

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Building - a combination of materials to form a permanent structure having walls and a roof, including manufactured homes and trailers to be used for human habitation.
- C. 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.
- D. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
- E. 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.
- F. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

- G. Flood - a temporary inundation of normally dry land areas.
- H. Flood-fringe area - that portion of the flood plain outside of the floodway area.
- I. Flood Plain - see definition of Flood-prone area.
- J. Floodproofing - means any combination of structural and non-structural 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.
- K. 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 water-course; and/or any area subject to the unusual and rapid accumulation or surface waters from any source.
- L. Floodway area - the channel of a river or other water-course and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.
- M. Land Development - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) 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; (ii) a subdivision of land.

- N. 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.
- O. 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 recreational vehicles, travel trailers, park trailers and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.
- P. 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.

- Q. 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.
- R. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- S. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.
- T. 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.
- U. 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 agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

**ARTICLE VIII ENACTMENT**

This Ordinance shall become effective on August 1, 1979, and shall remain in force until modified, or rescinded by the Orange Township Supervisors, Columbia County, Pennsylvania.

Initially adopted by Orange Township as Ordinance No. 1979-1 the 7th day of May, 1979. Amended by Ordinance No. 1981-1 the 8th day of September, 1981. Further amended by Ordinance No. 1986-1 the 3rd day of February, 1986. Further amended by Ordinance No. 1990-1 the 6th day of September, 1990. Consolidated herein this 2nd day of May, 1991.

**ATTEST:**

  
Suzanne Moore  
Secretary

**ORANGE TOWNSHIP:**

John L. Bunk  
Chairmen, Board of Supervisors

Robert E. ...  
Supervisor

Max Robbins  
Supervisor