

**ORDINANCE OF WAYNE TOWNSHIP NO. 4 of 2011**

An Ordinance of Wayne Township, Lawrence County, Pennsylvania. Requiring All Persons, Partnerships, Businesses and Corporation to Obtain a Building Permit for Any Construction or Development within Areas Designated as Floodway Areas, Floodplain Areas and Flood-Fringe Areas; Providing for the Issuance of Such Building Permits; Setting Forth Certain Minimum Requirements for New Construction and Development within Said Areas of the Township and Establishing Penalties for Failure or Refusal to Comply with the Requirements of this Ordinance.

WHEREAS, the Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.

THEREFORE, BE IT ORDAINED AND ENACTED by the Wayne Township Board of Supervisors adopt this ordinance for the regulation of floodway areas, floodplain areas and flood-fringe areas.

**ARTICLE I - GENERAL PROVISIONS**

Section 1.00 Intent

The intent of this 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 1.01 Applicability

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 a Building Permit has been obtained from the Floodplain Administrator. A Building Permit shall not be required for minor repairs to existing buildings or structures.

Section 1.02 Abrogation, Greater Restrictions and Repealer

This Ordinance amends Ordinance No. 1 of 1982 in order to comply with the requirements of the Federal Emergency Management Agency concerning requirements for the National Flood Insurance Program. This Ordinance supersedes any other conflicting provisions that 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.

#### Section 1.03 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 affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### Section 1.04 Warning and Disclaimer of Liability

The degree of flood protection established by the provision of this Ordinance 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 causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain 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 the 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 2.00 Designation of the Floodplain Administrator

The Building Permit Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

#### Section 2.01 Building Permits Required

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

#### Section 2.02 Issuance of Building Permit

- A. The Floodplain Administrator 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. Prior to the issuance of any building permit, the Floodplain Administrator shall review the application for permit to determine if all other necessary governmental

permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended) the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-94, as amended). No permit shall be issued until this determination has been made.

- C. 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 municipality and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
- D. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- E. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development, shall be notified by the municipality prior to any alteration or relocation of any watercourse.
- F. Technical or scientific data shall be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.

#### Section 2.03 Application Procedures and Requirements

- A. Application for such a building permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
  - 1. Name and address of applicant.
  - 2. Name and address of owner of land on which proposed construction is to occur.
  - 3. Name and address of contractor.
  - 4. Site location.
  - 5. Listing of other permits required.
  - 6. Brief description of proposed work and estimated cost.

7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. 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 Floodplain Administrator to determine that:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  3. adequate drainage is provided so as to reduce exposure to flood hazards.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Building Permit Application form.
  2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one- hundred (100) feet or less, showing the following:
    - a. north arrow, scale, and date;
    - b. topographic contour lines, if available;
    - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
    - e. the location of all existing streets, drives, and other accessways; and
    - f. 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.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
  - b. the elevation of the one-hundred (100) year flood;
  - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and
  - d. detailed information concerning any proposed flood-proofing measures.
4. The following data and documentation:
  - a. 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 one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures that have been incorporated into the design of the structure and/or the development.
  - b. detailed information needed to determine compliance with Section 4.03 F, Storage, and Section 4.04, Development Which May Endanger Human Life, including:
    - i. the amount, location and purpose of any materials or substances referred to in Sections 4.03 F and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.
    - ii. 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 Section 4.04 during a one-hundred (100) year flood.
  - c. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."