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CRAWFORD COUNTY

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**BOROUGH OF LINESVILLE
CRAWFORD COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1985 - 240

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

Be It Enacted and Ordained, by the Borough Council of the Borough of Linesville, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1.00. Statement of Purpose.

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditures of public funds for flood protection and relief, and the impairment of the tax base by:

- A.** Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- B.** Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
- C.** Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage;

D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Section 1.01 Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction, reconstruction, enlargement, alteration or relocation of any building or structure unless an approved building permit issued pursuant to this Flood Plain Management Ordinance has been obtained from the Municipal 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 and providing the cost of such minor repairs is less than \$2,500.00 and/or involves less than 100 square feet of floor area.

Section 1.02. Abrogation and Greater Restrictions.

This Ordinance supersedes any other conflicting provisions which may be effect in identified flood plain areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive or not inconsistent with the provisions of this Ordinance.

Section 1.03. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should 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 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. The grant of a permit or approval of a subdivision plan in the identified flood-prone area(s) shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees. 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 damage.

This Ordinance shall not create liability on the part of the Borough 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. Building Permits Required.

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

Section 2.01. Issuance of Building Permit.

A. The Building Official 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 Building Permit Officer shall review the application for permit to determine if all other necessary government permits such as those required by State and Federal laws have been obtained, such as those required by Act 537, the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U. S. Clean Water Act, Section 404, 33 U.S.C. 1334; and the Pennsylvania Clean Streams Act. 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 water course and to all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits and approvals have first been obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

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

Section 2.02. Application Procedures.

A. Application for such a building permit shall be made, in writing, to the Building Official on forms supplied by the Borough. Such application shall contain at least 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.) Brief description of proposed work and estimated cost.
- 6.) 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 and Special Permits shall also provide the following specific information:

- 1.) A plan of the entire site, 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.) A location map showing the vicinity in which the proposed activity or development is to be located within the municipality.
 - c.) Topography based upon the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of two (2) feet,
 - d.) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet,
 - e.) The location of all existing streets, drives, and other accessways with information concerning widths, pavement types and construction, and elevations,
 - f.) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or manmade features affecting, or affected by, the proposed activity or development,
 - g.) The location of the identified floodplain area boundary line, floodway line if available,

information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities,

h.) A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:

i.) All such proposals are consistent with the need to minimize flood damage;

ii.) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

iii.) Adequate drainage is provided so as to reduce exposure to flood hazards.

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

a.) Detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building elevations, as appropriate,

b.) The proposed lowest floor elevations or any proposed building based upon National Geodetic Vertical Datum of 1929,

c.) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood,

d.) Detailed information concerning any proposed flood-proofing measures,

e.) Cross-section drawings for all proposed streets, drives, and other accessways and parking areas showing all rights-of-way and pavement widths,

- f.) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades,
- g.) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities,
- h.) Soil types.

3.) The following data and documentation:

- a.) 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 buoyance 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 and/or the development

- b.) Detailed information needed to determine compliance with Section 4.01 G., Storage, and Section 4.02, Development Which May Endanger Human Life, including:
 - i.) The amount, location and purpose of any materials or substances referred to in Sections 4.01 G, and 4.02 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii.) For any proposed structure regulated under Section 4.02, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substances during a one-hundred (100) year flood.

- c.) The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development".
- d.) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 2.03. 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 Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations by the Conservation District shall be considered by the Building Official for possible incorporation into the proposed plan.

Section 2.04. 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 Official to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

Section 2.05. Changes.

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

Section 2.06. Placards.

In addition to the building permit, the Building Official 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 Official.

Section 2.07. Start of Construction.

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit and shall be completed within twelve (12) months after the date of issuance or the permit shall expire unless a time extension is granted,

in writing, by the Building Official. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footing or any 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 mobile 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 piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Section 2.08. Inspection and Revocation.

A. 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 laws, regulations and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. 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 floodprone area upon presentation of proper credentials, at reasonable times, to enforce the provisions of this Ordinance.

C. In the event the Building Officer discovers that the work does not comply with the permit application or any applicable laws or 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 Borough Council for whatever action it considers necessary.

D. A record of all such inspections and violations of this Ordinance shall be maintained.

Section 2.09. Fees.

The Borough Council shall be authorized, upon majority affirmative vote on a Motion, from time to time, to establish and to modify an application fee for a permit pursuant to this Ordinance, which fee if established shall accompany the application and shall not be refunded whether or not any permit is granted.

Section 2.10. Enforcement.

A. Notices. Whenever the Building Official 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 regulations adopted pursuant thereto, such authority 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 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 Ordinance, or any part hereof, and with the regulations adopted pursuant thereto. In cases where the alleged violation creates an imminent threat to public health, safety or welfare, the Building Official may forthwith abate the problem without prior notice to the violator.

B. Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Borough Council, provided that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore 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, but work in progress shall cease pending final determination. Upon receipt of such petition, the Borough 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 ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Borough Secretary may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and Order. After such hearing, the Borough Council 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 of Hearing. The proceedings at such a hearing, including the findings and decision of the Borough Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the Borough.

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 Official or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough 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 in county prison for a period not to exceed ten (10) days. 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 noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be

required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building construction, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such.

Section 2.11. Appeals.

A. Any person aggrieved by an action or decision of the Building Official, or by any of the requirements of this Ordinance, may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Official. Upon receipt of such appeal, the Borough Council shall set a time and place, within not less than ten (10) 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 Borough Council, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

ARTICLE III. DESIGNATION OF FLOOD-PRONE AREA(S)

Section 3.00 Identification.

The "Flood-Prone Area(s)" shall be any area(s) of the Borough of Linesville subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHDM) as issued by the Federal Insurance Administration, effective June 5, 1985.

Section 3.01. Determination of the Regulatory Flood Elevation.

For purposes of this Ordinance, the regulatory flood elevation, i.e., the one hundred (100) year flood elevation, shall be used. To determine the one hundred year flood elevation, 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, other sources of data where available shall be used such as:

- A. Corps of Engineers - Flood Plain Information Report.
- B. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.

- C. U.S. Geological Survey - Flood Prone Quadrangles.
- D. Pennsylvania Department of Environmental Resources - Flood Control Investigations.
- E. Known Highwater Marks from Past Floods.
- F. 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 Borough.

Section 3.02. Changes in Designation of Area(s).

The delineation of any of the identified flood-prone area(s) may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents of notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03. Overlay Concept.

A. The flood-prone area areas shall be considered an overlay to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the flood-prone area areas shall serve as a supplement to the underlying district provisions.

B. Where there happens to be any conflict between the provisions or requirements of the flood-prone area areas and those of any underlying district, the more restrictive provisions shall apply.

Section 3.04. Zoning Map.

The boundaries of the flood-prone area areas are established as shown on the official zoning map of the Borough of Linesville which is declared to be a part of this Ordinance and which shall be kept at the Borough office.

Section 3.05. Boundary Disputes.

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

ARTICLE IV. SPECIFIC REQUIREMENTS

Section 4.00. General.

A. (1) In the identified Flood-Prone Area(s), the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the municipality unless otherwise stated in A(2) of this Article.

(2) It has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located, either entirely or partially, within an identified flood-prone area:

- (a) hospital (public or private);
- (b) nursing home (public or private);
- (c) jails or prisons;
- (d) new mobile home parks and mobile home subdivisions, and substantial improvements thereto;
- (e) the production, storage or maintenance of a supply of any dangerous materials or substances, including but not limited to: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.), phosphorus, potassium, sodium, sulphur and sulphur products, pesticides (including insecticides, fungicides and rodenticides), radioactive substances, insofar as such substances are not otherwise regulated, and the production, storage, maintenance of a supply or any use whatsoever of any amount of radioactive substances, insofar as such substances are not otherwise regulated.

(3) Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any identified flood-

prone area, and no permit shall issue to any new or substantially improved structure involving said activities and development in a flood-prone area.

B. Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of any new or improved residential structures shall be one and one-half (1 1/2) feet or more above the one-hundred (100) year flood elevation.

C. Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of nonresidential structures shall be one and one-half (1 1/2) feet or more above the one-hundred (100) year flood elevation or be flood proofed up to that height.

D. Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed in accordance with the provisions of this Article. Additional information may be obtained from the publication entitled "Flood-proofing Regulations" (U.S. Army Corps of Engineers, June, 1972).

Section 4.01. Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood-prone area:

A. 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 property. The system should also be designed away from the building.

B. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. No part of any on-site sewage system shall be located within any flood prone areas except in strict compliance with all state and local regulations for such systems.

C. 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.

D. Street. The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.

E. 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 change or impairment during a flood.

F. 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 (excluding sanitary landfill material);
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Borough Building Official;
5. Be used to the extent to which it does not adversely affect adjacent properties.

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 waters.

H. 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 and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings. Where located at or below the regulatory flood elevation:

1. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without incurring structural damage to the building.
2. Plywood shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of

materials that are water-resistant and will withstand inundation.

4. Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Electrical Systems and Components.

1. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
2. Electrical distribution panels shall be at least three (3) feet above the level of the One Hundred (100) Year Flood Elevation.
3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

K. Plumbing.

1. Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
2. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum, all systems shall meet the requirements of Act 537, the Pennsylvania Sewage Facilities Act, as amended.
3. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
4. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharge 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.

L. Paints and Adhesives. When used at or below regulatory flood elevation:

1. Paints or other finishes shall be of a "marine" or "water-resistant" quality.
2. Adhesives 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.

M. 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 section 4.00 (A) (2), shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.

Section 4.02. Special Requirements for Mobile Homes.

A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:

1. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
2. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

B. All mobile homes and any additions thereto shall also be 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 ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

C. An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks and mobile home subdivisions.

ARTICLE V. EXISTING STRUCTURES IN IDENTIFIED 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, provided that 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 constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VI. VARIANCES

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

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

1. If granted, a variance shall involve only the least modification necessary to provide relief.
2. In granting any variance, the Borough will 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.

3. Whenever a variance is granted, the Borough 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 to life and property.
4. In reviewing any request for a variance, the Borough 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 would 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 or regulations.
5. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

C. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

D. No variance shall be granted for those activities and development prohibited in Section 4.00A(2).

ARTICLE VII. DEFINITIONS

Section 7.00 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 7.01 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. Included shall be all mobile homes and trailers to be used for human habitation.

C. Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

D. Development. Any man-made change to improved or unimproved real estate, including but not limited to, building or other structure, the subdivision of land, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

E. Flood. A temporary inundation of normally dry land areas.

F. 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.

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

H. 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 rearrangement of parts of a structure affecting the exitway requirements, 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.

I. Mobile Home. Mobile Home means 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 does not include recreational vehicles or travel trailers.

J. Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

K. 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 water might carry the same downstream to the damage of life and property.

L. 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).

M. Person. Any person, persons, partnership, business or corporation.

N. Regulatory Flood Elevation. The one hundred (100) year flood elevation.

O. Structure. Anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, sheds, mobile homes and other similar items.

P. 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 division 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.

Q. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% 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.

ARTICLE VIII. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted into law by the Borough Council of the Borough of Linesville
this 3rd day of June, A.D., 1985.

Borough of Linesville

By: Pauline M. Johnson
**Council President or
Vice President**

Attest:

By: Paula K. Glowa
Secretary

Approved:

By: Peter B. Lurch
Mayor