

BLOOMFIELD TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

ORIGINAL ORDINANCE # 1986-3

REVISIONS 6-01-92

AN ORDINANCE 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 TOWNSHIP 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 Board of Supervisors of Bloomfield Township, 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 floodprone areas to be protected and/or flood-proofed 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 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 Repealer Restrictions

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

This Ordinance supersedes any provisions currently in effect in flood-prone areas. Section 524 of the Zoning Ordinance, adopted on June 18, 1979, Ordinance No. 79-618A, is hereby repealed in its entirety.

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 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 Building Permits Required

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

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

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 Township. 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.

7) Listing of other permits required.

B. If any proposed construction or development is located entirely or partially within any identified flood-prone area, applications for building permits shall also provide at least two copies of the following specific information:

- 1) 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:
 - a) All such proposals are consistent with the need to minimize flood damage;
 - b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage
 - c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- 2) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Permit Officer to make the above determination:
 - a) A completed Building Permit Application Form.
 - b) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - i) north arrow, scale, and date;
 - ii) topographic contour lines, if available;
 - iii) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - iv) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - v) the location of all existing streets, drives, and other accessways; and

- vi) 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.
- c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- i) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - ii) the elevation of the one hundred (100) year flood;
 - iii) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - iv) detailed information concerning any proposed flood-proofing measures.
- d) The following data and documentation:
- i) 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 which have been incorporated into the design of the structure and/or the development.
 - ii) detailed information needed to determine compliance with Section 4.01 M Storage, including the amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored, or otherwise maintained on site.
 - iii) the appropriate component of the Department of Environmental Resources "Planning Module for Land Development."

- iv) 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 Other Permit Issuance Requirements

A. Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dam Safety, Obstructions, and Storm Water Management, as specified in the Water Obstruction Act of 1913 as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of all such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or stream.

B. Prior to the issuance of any building permit, the Building Official shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, 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 Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

SECTION 2.04 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 2.05 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 2.06 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 2.07 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 2.08 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 2.09 Inspection and Revocation

During the construction period, the Building Official 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 Township laws and ordinances. The Building Official shall revoke the building permit and report any violations to the Board of Supervisors for whatever action it considers necessary.

SECTION 2.10 Fees

Application for building permit shall be accompanied by a fee, payable to the Township, in the amount of \$35.00. The amount of the fee may hereafter be revised by resolution of the municipality.

SECTION 2.11 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 Board of Supervisors, provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore with 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 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 ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Township Secretary may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgement, the petitioner has submitted good and sufficient reasons for such postponement.

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

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 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 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 Board of Supervisors to be a public nuisance and batable as such.

SECTION 2.12 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 Board of Supervisors. 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 Board of Supervisors 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 Board of Supervisors, may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

ARTICLE III. IDENTIFICATION OF FLOODPLAIN AREA(S)

SECTION 3.00 Identification

The identified floodplain area shall be any area of the Municipality subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Insurance Rate Map (FIRM) dated September 1, 1986, (or the most

recent revision thereof) as issued by the Federal Emergency Management Agency (FEMA).

SECTION 3.01 Determination of the One Hundred (100) Year Flood Elevation

For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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 other of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted to sufficient detail to allow a thorough technical review by the municipality.

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 Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the US 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 Township which is declared to be a part of this Ordinance and which shall be kept at the Township Office.

SECTION 3.05 Boundary Disputes

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

ARTICLE IV. SPECIFIC REQUIREMENTS

SECTION 4.00 General

A. In the identified Flood-Prone area(s), the development an/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 prohibited by this Article.

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 floodplain area. Because of the special hazards presented by the following activities and development, they shall be prohibited from locating within any identified floodplain area, and no permit shall issue to any new or improved structure involving said activities and development in a floodplain area:

- 1) hospital (public or private)
- 2) nursing home (public or private)
- 3) jails or prisons
- 4) new manufactured home parks and manufactured home subdivisions, and substantial improvements thereto
- 5) solid waste processing or disposal facilities
- 6) any new or substantially improved structure which be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- a) acetone
- b) ammonia
- c) benzene
- d) calcium carbide
- e) carbon disulfide
- f) celluloid
- g) chlorine
- h) hydrochloric acid
- i) hydrocyanic acid
- j) magnesium
- k) nitric acid and oxides of nitrogen
- l) petroleum products (gasoline, fuel oil, etc)
- m) phosphorus
- n) potassium
- o) sodium
- p) sulphur and sulphur products
- q) pesticides (including insecticides, fungicides and rodenticides)
- r) radioactive substances, insofar as such substances are not otherwise regulated.

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

C. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure 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 non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U. S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

E. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

F. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

G. Enclosed areas below the lowest floor (including basement) are prohibited.

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 floodplain 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 material 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 Township 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) 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 Manufactured Homes

Where permitted within any identified floodplain area, all manufactured homes and additional thereto shall be:

- A. Placed on a permanent foundation
- B. Elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the hundred year flood.
- C. Anchored to resist flotation, collapse, or lateral movement.
- D. Within any identified floodway area, all manufactured homes and any addition thereto shall be prohibited.

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.

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

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 Township may, upon request, grant relief from the strict application of the requirement.

B. Requests for variances shall be considered by the Township 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 Township 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 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 to life and property.
- 4) 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 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 Township. 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 4.00 A.

E. 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.

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

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- 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 manufactured 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 manufactured homes.
 - D. 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, or other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
 - E. Flood - a temporary inundation of normally dry land areas.
 - F. Floodplain Area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
 - G. Flood-proofing - 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.
 - 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; not 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. ~~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 does include park trailers, travel trailers, or other similar vehicles which are placed on a site for more than 180 consecutive days.~~
- J. 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 nontransient use.
- K. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years. (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year)
- L. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet.
- M. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home park or subdivision and substantial improvement to such existing manufactured home park or subdivision when such development is located partly or entirely within a designated flood plain.
- N. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured home or other similar items.
- O. Subdivision - the division or redivision of as lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including

changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

- P. ~~Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.~~
- Q. Basement - any area of the building having its floor subgrade (below ground level) on all sides.
- R. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accomodating a flood of the one hundred (100) year magnitude.
- S. For the purposes of floodplain management, the words "mobile home" or "mobile home park" shall be replaced with the words "manufactured home" and "manufactured home park" within any delineated floodplain area.

ARTICLE VIII. EFFECTIVE DATE

This Ordinance was ordained and enacted by the Board of Supervisors of Bloomfield Township on the 4th day of August, 1986 and became effective five (5) days after enactment. Revisions were made this date and this Ordinance amended to address the 1986 and 1989 revisions to the National Food Insurance Program regulations.

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