

ORDINANCE NO. 189

AN ORDINANCE OF THE BOROUGH OF MILESBERG, CENTRE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 184 REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN BUILDING PERMITS FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, ALTERATION OR RELOCATION OF ANY BUILDING OR STRUCTURE, PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS, SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR THE CONSTRUCTIONS WITHIN AREAS OF THE BOROUGH OF MILESBERG WHICH ARE SUBJECT TO FLOODING, AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR ANY PROVISIONS OF THIS ORDINANCE, AND INCORPORATING THE REQUIREMENTS AS SET FORTH BY THE NATIONAL FLOOD INSURANCE PROGRAM AND THE REGULATIONS DEVELOPED THERETO BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the Borough of Milesburg, in order to secure and protect the rights of the citizens of the Borough to obtain Federal Flood Insurance on properties located within flood-prone areas, has enacted necessary legislation to enroll the Borough in the Federal Flood Program; and

WHEREAS, the federal government, through its various agencies, has developed additional rules and regulations requiring the Borough to enact or amend its existing building code.

NOW, THEREFORE, be it enacted and ordained by the Borough of Milesburg, Centre County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows: Ordinance No. _____ of the Borough of Milesburg is amended as follows:

ARTICLE ONE. GENERAL PROVISIONS

Section 104 is amended - Municipal Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable by a National Flood Insurance Administration, Department of Housing and Urban Development for regulatory purposes in the identified flood-prone areas. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that the area

outside any identified flood-prone area, or that land uses permitted within such areas, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Borough or any officers or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE TWO. ADMINISTRATION

Section 202. Application Procedures is amended as follows:

G. Proposed lowest floor and basement elevations in relation to mean sea level.

B. Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces, associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures.

D. Prior to any proposed alteration or relocation of any stream or any water course, etc., within the municipality, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division, 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 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 systems.

E. 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 including those required by Act 537, The Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

Section 212. 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 of Milesburg Borough. Such appeal must be filed, in writing, within twenty (20) days after the decision or action of the Building Official. Upon receipt of such appeal the Borough Council of Milesburg Borough shall set a time and place, within not less than ten (10) days 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 of Milesburg Borough may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

ARTICLE THREE. DESIGNATION OF FLOOD-PRONE AREAS is amended as follows:

Section 300. Identification

All flood-prone areas of the Borough of Milesburg shall be those areas identified as such in the Flood Insurance Study dated the _____ day of _____, 19__, prepared for the Borough by the Federal Flood Insurance Administration.

Section 301. Determination of the Regulatory Flood Elevation

For purposes of this Ordinance, the regulatory flood elevation, i.e. the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet 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 areas 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 Reports
- B. U.S. Geological Survey - Flood Prone Quadrangles
- C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)
- D. Known Highwater Marks from Past Floods
- E. 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 302. Changes in Designation of Areas

The delineation of any of the identified flood-prone areas may be revised by the Borough Council of Milesburg Borough 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 the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 303. 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 of Milesburg Borough. The burden of proof shall be on the appellant.

ARTICLE IV. TECHNICAL PROVISIONS is amended as follows:

Section 400. General

A. In the identified Flood-prone Areas, 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.

B. Within any identified flood-prone areas, the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at or above the regulatory flood elevations.

C. Within any identified flood-prone areas, the elevation of the lowest floor (including basement) of non-residential structures shall be at or above the regulatory flood elevation or be flood-proofed up to that height.

Any 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 401. Design and Construction Standards

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

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points,
2. consist of soil or small rock materials only. Sanitary land fills shall not be permitted,
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,

4. be no steeper than one (1) vertical 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. Plumbing

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.

2. No part of any on-site sewage disposal systems shall be located within any identified flood-prone areas.

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 discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

G. 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.

H. Storage

No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

I. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

J. 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.

K. 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.

L. Streets

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

M. 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.

Section 402. 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 American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other Appropriate Standards such as the following:
1. over-the-top ties shall be provided at each of the four (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 (4800) 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 indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks and mobile home subdivisions where appropriate.

ARTICLE V. EXISTING STRUCTURES IN IDENTIFIED FLOOD-PRONE AREAS

Bracketed language is repealed.

[A. Existing structures located in the floodway area shall not be expanded or enlarged unless the affect of the proposed expansion or enlargement on any flood height is fully offset by accompanying stream improvements.]

ARTICLE VI. is amended as follows:

Section 601. 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 buildings or other structures, 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 - 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.

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 any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

I. 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 non-transient 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 the 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 plus a freeboard safety factor of one and one-half (1 1/2) feet.

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 divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

ARTICLE VII. VARIANCES [New]

If compliance with the elevation or floodproofing 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.

Request for variances shall be considered by the Borough in accordance with the procedures contained in Section 212 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 attaches 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 will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State Ordinances and regulations.

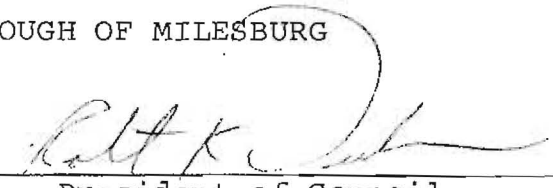
5. A complete record of all variance request and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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.

The aforementioned amendments are enacted and ordained into an Ordinance of the Borough of Milesburg, this 12 day of September, 1977.

BOROUGH OF MILESBURG

By: 
President of Council

ATTEST:


Secretary