

ORDINANCE NO. 00-1

AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 1985 AND AMENDMENTS THERETO OF THE TOWNSHIP OF SOUTH BUFFALO REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF SOUTH BUFFALO WHICH ARE SUBJECT TO FLOODING; AND, ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE

BE IT ORDAINED AND ENACTED by the Township of South Buffalo, Armstrong County, Pennsylvania and IT IS HEREBY ORDAINED AND ENACTED by authority of the same as follows:

Ordinance No. 1 of 1985 and the amendments thereto as set forth in Ordinance No. 1 of 1987 be and are hereby amended as follows:

SECTION 1.

Article II, Section 2.01, Subsection c be and is hereby deleted and, in its place, the following Subsection c is adopted:

- c. No encroachment, alteration or improvement of any kind shall be made to any water course until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or

approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

SECTION 2.

Article II, Section 2.02, Subsection 4 is hereby deleted and, in its place, the following Subsection 4 be and is hereby adopted:

4. The following data and documentation:

a. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressure, velocities, impact and uplift forces associated with the one hundred year flood.

Such statements shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

b. Detailed information needed to determine compliance with Section 4.03F, Storage, and Section 4.04 development which may endanger human life, including:

(i) The amount, location and purpose of any materials or substances referred to in Sections 4.03F and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.

(ii) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred year flood.

SECTION 3.

Section 2.08, Subsection b of the Ordinance be and is hereby amended by deleting the word "flood-prone" and inserting in its place the word "flood plain".

SECTION 4.

Article III of the Ordinance as amended by Ordinance No. 1 of 1987 be and is hereby further amended by deleting in its entirety Section 3.00 and inserting in its place the following:

Article III IDENTIFICATION OF FLOOD PLAIN AREAS

Section 3.00. Identification

The identified flood plain area shall be those areas of South Buffalo Township which are subject to the one hundred year flood, as identified in the Flood Insurance Study (FIS) dated August 23, 2000 and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof.

Section 3.01. Description of Flood Plain Areas

The identified flood plain area shall consist of the following specific areas:

A. FW (Floodway Area)

The areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include Floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no Floodway has been identified in the Flood Insurance Study.

B. FF (Flood-Fringe Area)

The remaining portions of the one hundred year flood plain in those areas identified as an AE Zone in the Flood Insurance Study where a Floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

C. FA (General Flood Plain Area)

The areas identified as Zone A in the FIS for which no one hundred year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred year elevation as well as a Floodway area, if possible. When no other information is available, the one hundred year flood elevation shall be determined by using a point on the boundary of the identified Flood Plain Area which is nearest the construction site in question.

In lieu of the above, a 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 method that's 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 Township.

Sections 3.01 and 3.02 of Ordinance No. 1, 1985, as amended by Ordinance No. 1 of 1987 are renumbered Sections 3.02 and 3.03, respectively.

SECTION 5.

Article IV, Section 4.01 (as adopted by Ordinance 1 of 1987) be and is hereby deleted and in its place the following section is adopted:

Section 4.01 Special Requirements for FW and FA Areas

A. Within any FW (Floodway Area), the following provisions apply:

(i) Any new construct, development, use, activity or encroachment that would cause any increase in the one hundred year flood heights shall be prohibited.

(ii) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

B. Within any FA (General Flood Plain Area, the following provisions apply:

(i) No new construction or development shall be located within the area measured fifty feet (50') landward from the top of bank of any water course, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

(ii) Any new construction or development which would cause any increase in the one hundred year flood heights shall be prohibited within any Floodway area.

Article IV, Section 4.02 (as adopted by Ordinance 1 of 1987) is deleted and in its place the following section is adopted:

Section 4.02 Elevation and Flood Proofing Requirements

A. Residential Structures

Within any identified flood plain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation.

B. Non-Residential Structures

(i) Within any identified flood plain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation or be designed or constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

(ii) Any non-residential structure or part thereof having a lowest floor which is not elevated to at least one and one-half feet (1½') above the one hundred year flood elevation shall be flood proofed 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 US Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood proofing 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.

C. Space Below the Lowest Floor

(i) Fully enclosed space below the lowest floor (including basement) is prohibited.

(ii) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one foot (1') above grade.

(c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory Structures

Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply at a minimum with the following requirements:

(i) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, materials and equipment related to the principal use or activity.

- (ii) Floor area shall not exceed six hundred (600) square feet.
- (iii) The structure will have a low-damage potential.
- (iv) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- (v) Power lines, wiring and outlets will be at least one and one-half feet (1½') above the one hundred year flood elevation.
- (vi) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (vii) Sanitary facilities are prohibited.
- (viii) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one foot (1') above ground.
 - (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

SECTION 6.

Section 4.05, subsection b and c of Ordinance 1 of 1987, be and are hereby amended and revised as follows:

- b. Within any FA (General Flood Plain Area), manufactured homes shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.
- c. Where permitted within any flood plain area, all manufactured homes, any improvements thereto, shall be:

SECTION 7.

Section 6.00(b), as set forth in Ordinance 1 of 1987, shall be amended to read as follows:

- b. No expansion or enlargement of an existing structure or use shall be allowed within the FW (Floodway) that would cause any increase in the one hundred year flood heights.

SECTION 8.

Article VII, Section 7.01, Subsection a, be and is hereby modified to amend the reference to the section number for Development Which May Endanger Human Life to 4.04.

SECTION 9.

Section 8.01 of Ordinance 1 of 1985 be and is hereby amended by deleting certain specific definitions and in their place inserting the following:

“Basement – means any area of the building having its floor below ground level on all sides.

“Development – any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other pavings; utilities; filling, grading and excavation; mining; dredging; or, drilling operations and the storage of equipment or materials.

“Historic Structure – any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or,
 - (2) Directly by the Secretary of the Interior in states without approved programs.

“Lowest Floor – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

“New Construction – structures for which the start of construction commenced on or after February 11, 1985 and includes any subsequent improvements thereto.

“Recreational Vehicle – a vehicle which is:

- (i) Built on a single chassis;
- (ii) Not more than four hundred (400) square feet, measured at the largest horizontal projection;
- (iii) Designed to be self-propelled or permanently towable by a light-duty truck;
- (iv) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“Substantial Damage – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

“Substantial Improvement – any reconstruction, rehabilitation, addition or other improvement of the structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to insure safe living conditions; or,
- (ii) Any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

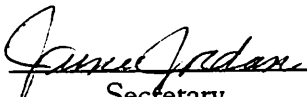
SECTION 10.


Any and all references in Ordinance No. 1 of 1985 or its amendment referring to the Department of Community Affairs be and is hereby amended to read Department of Community and Economic Development or its successors. Any and all references in Ordinance No. 1 of 1985 or its amendment referring to the Department of Environmental Resources, Bureau of Dams and Waterway Management be and is hereby amended to read Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

DONE, ORDAINED AND ENACTED by the Board of Supervisors of South Buffalo Township, Armstrong County, Pennsylvania at a regular meeting held this 11 th day of November, 2000.

SOUTH BUFFALO TOWNSHIP

Attest:


Secretary


Chairperson

AFFIDAVIT OF PUBLICATION

KITTANNING LEADER TIMES

SOUTH BUFFALO SUPR(SOUT27)
384 IRON BRIDGE RD
FREEPORT PA 16229

REFERENCE: k20117
888181 ORD BLDG PERMIT

Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths, affirmation, personally appeared, being duly sworn or affirmed, according to law, doth depose and say that he/she is a representative of Greensburg Tribune, a corporation organized and doing business under the laws of the State of Pennsylvania, and publishing a newspaper known as The Leader Times in the City of Kittanning, County and State aforesaid, and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to files of said publication that attached advertisement was inserted. The following correctly copied from the books and files of the aforesaid Corporation.

PUBLISHED ON: 10/30

TOTAL COST: 37.17 AD SPACE: 56 LINE
FILED ON: 10/30/00

NAME: Debra Stewart TITLE: Admin Asst.

In Testimony whereof, I have hereunto set my hand and affix my official seal, the day and year aforesaid:

NOTARY: Julia A. Jordan My Commission Expires:

NOTICE
Notice is hereby given that the Board of Supervisors for South Buffalo Township, Armstrong County Pennsylvania, at a regular monthly meeting to be held on November 13, 2000 at 7:00 PM at the South Buffalo Municipal Building, will consider adoption of an Ordinance amending Ordinance NO. 1 of 1985. The complete Ordinance may be inspected at the township office by appointment with the township secretary.
June Jordan, Secretary
ORDINANCE NO. _____
AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 1985 AND AMENDMENTS THERETO OF THE TOWNSHIP OF SOUTH BUFFALO REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT, PROVIDING FOR THE ISSUANCE OF SUCH BUILDING; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN THE AREAS OF THE TOWNSHIP OF SOUTH BUFFALO WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.
10/30

Notarial Seal
Julia A. Jordan, Notary Public
Kittanning Boro, Armstrong County
My Commission Expires June 28, 2004