

**TOWNSHIP OF LIGONIER  
WESTMORELAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2011-OR-01**

**AN ORDINANCE OF THE TOWNSHIP OF LIGONIER,  
AMENDING THE CODE OF THE TOWNSHIP OF  
LIGONIER, FLOODPLAIN REGULATIONS AND MAPS,  
CHAPTER 65, ARTICLE IV, OVERLAY DISTRICTS,  
SECTIONS 65-28 THROUGH 65-33, PURSUANT TO A  
STUDY BY THE FEDERAL EMERGENCY MANAGEMENT  
AGENCY TO COMPLY WITH THE NATIONAL FLOOD  
INSURANCE PROGRAM, PROVIDING FOR FEES,  
ENFORCEMENT REMEDIES AND PENALTIES FOR  
VIOLATIONS OF THE PROVISIONS OF THE AMENDED  
FLOODPLAIN REGULATIONS, AND FURTHER  
PROVIDING FOR REPEAL OF INCONSISTENT  
ORDINANCES, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Pennsylvania Flood Plain Management Act of 1978, has delegated the responsibility to local governmental units to adopt floodplain management regulations; and

**WHEREAS**, the Ligonier Township Board of Supervisors has previously adopted floodplain regulations which are found in the Code of the Township of Ligonier ("Code"), Chapter 65, "Land Use and Development", Article IV, "Overlay Districts", Chapter 65, §65-28 through §65-33, which is also referred to as the Comprehensive Development Ordinance ("CDO"), §401 through §406; and

**WHEREAS**, the Code, in Article Four: "Overlay Districts", includes provisions for issuance of permits for construction or development within areas of the Township of Ligonier that are subject to flooding; and

**WHEREAS**, the Federal Emergency Management Agency ("FEMA") requires that all municipalities which participate in the National Flood Insurance Program (NFIP) adopt a floodplain ordinance that meets certain minimum regulatory standards to comply with the NFIP; and

**WHEREAS**, FEMA has recently completed a multi-year project to re-examine the Township of Ligonier flood zones and has developed detailed, digital flood hazard maps, known as Flood Insurance Rate Maps (FIRMs), that reflect current flood risks; and

**WHEREAS**, in order for the Township of Ligonier to continue its participation in the National Flood Insurance Program, it is required to adopt an

ordinance which accepts FEMA's revised flood maps, profiles and other regulatory flood data effective March 17, 2011, to regulate construction and development in floodplains within the Township after that date; and

**WHEREAS** the Board of Supervisors of Ligonier Township intend to adopt this Ordinance 2011-OR-01 to modify, add and amend the applicable provisions of the Code, Chapter 65, Article IV, "Overlay Districts", as well as the and CDO, §401 through §406, to include the aforesaid revised floodplain regulations for the Township of Ligonier.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Ligonier, Westmoreland County, Pennsylvania, and it is hereby ordained by, and with, the authority of the same as follows:

**SECTION 1:** The Code of the Township of Ligonier, Chapter 65, "Land Use and Development", Article IV, "Overlay Districts", §65-28 through §65-33, and the Comprehensive Development Ordinance, §401 through §406, shall, following adoption of this Ordinance 2011-OR-01, be modified and amended in its entirety, and after such amendments, shall read as follows:

#### **ARTICLE FOUR: OVERLAY DISTRICTS**

##### **400 STATUTORY AUTHORIZATION (§65-28)<sup>1</sup>**

The legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of the Township of Ligonier, does hereby order as follows:

##### **400.1 Abrogation and Greater Restrictions (§65-28 A.)**

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

##### **400.2 Intent (§65-28 B.)**

The intent of this Article is to:

- a) Promote the general health, welfare, and safety of the community.
- b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- c) Minimize danger to public health by protecting water supply and natural drainage.

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<sup>1</sup> The Comprehensive Development Ordinance has been codified in the Code of the Township of Ligonier, Chapter 65, LAND USE AND DEVELOPMENT, 65-1 through 65-76. Ordinance 2011-OR-01 amends Chapter 65, Article IV, §65-28 through §65-33. Cross references to the Code of the Township of Ligonier can be found at the end of each section in these amendments to Township's floodplain regulations.

- d) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- e) Comply with federal and state floodplain management requirements.

**400.3 Applicability (§65-28 C.)**

- a) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Permit has been obtained from the Floodplain Administrator.
- b) A Permit shall not be required for minor repairs to existing buildings or structures.

**400.4 Severability and Ambiguities (§65-28 D.)**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect and, for this purpose, the provisions of this Ordinance are hereby declared to be severable. To the extent that any provisions of this Ordinance are ambiguous and/or inconsistent, any such ambiguities and/or inconsistencies shall be interpreted in favor of the Township.

**400.5 Warning and Disclaimer of Liability (§65-28 E.)**

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 or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of Ligonier or any officer, employee, and/or agent thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**401 IDENTIFICATION OF FLOODPLAIN AREAS (§65-29)**

The identified floodplain area shall be any areas of the Township of Ligonier, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated MARCH 17, 2011 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Ligonier and declared to be part of this ordinance.

**401.1 Description of Floodplain Areas: (§65-29 A.)** The identified floodplain 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 that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- (b) FF (Flood-Fringe Area) -- the remaining portions of the one hundred (100) year floodplain 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 (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

- (c) FA (General Floodplain Area) -- the areas identified as Zone A in the FIS for which no one hundred (100) 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 (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 that 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 others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

**401.2 Changes in Identification Area (§65-29 B.)**

The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

**401.3 Boundary Disputes (§65-29 C.)**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator or other municipal officer so authorized and any party aggrieved by this decision may appeal to the Board as set forth elsewhere in this Ordinance. The burden of proof shall be on the appellant.

**402 ADMINISTRATION OF FLOODPLAIN REGULATIONS: (§65-30)**

The provisions of this Article for floodplain regulations shall be administered and enforced by a municipal officer, or other designee of the Board of Supervisors, who shall be designated as the Floodplain Administrator:

- (a) The Board of Supervisors (hereinafter referred to as Board) hereby appoints the current Ligonier Township Zoning Officer to act as Township's Floodplain Administrator upon adoption of this amendment to the Code of the Township of Ligonier.
- (b) The duly appointed Township Floodplain Administrator shall serve in this capacity until he/she/it resigns, is unable to serve, or until a replacement is appointed by the Board of Supervisors.
- (c) The Board may appoint a Floodplain Administrator at its annual organizational meeting, or at any other time throughout the year, by Motion duly adopted by the Board.
- (d) The compensation of the Floodplain Administrator shall be established by Motion of the Board at its annual organizational meeting, or at the time a successor is appointed to fill a vacancy in the position in the event that the appointed Floodplain Administrator is not a municipal officer.

**402.1 Building Permits Required (§65-30 A.)**

Building permits shall be required in all instances before any construction or development is undertaken within any designated floodplain area of the Township.

**402.2 Issuance of Building Permit (§65-30 B.)**

- (a) The Floodplain Administrator shall issue a building permit in accordance with applicable ordinances of Ligonier Township, only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- (b) Prior to the issuance of any building permit, the Floodplain Administrator or other municipal officer so authorized shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act 166-537, as amended; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U. S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- (c) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection (DEP).
- (d) The Federal Emergency Management Agency (FEMA) and the Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.
- (e) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

**402.3 Application Procedures and Requirements (§65-30 C.)**

- (a) Application for such a building permit shall be made, in writing, to the Floodplain Administrator or other municipal officer so authorized on forms supplied by the Township. Such application shall contain the following:
  - (1) name and address of applicant;
  - (2) name and address of owner of land on which proposed construction is to occur;
  - (3) name and address of contractor;
  - (4) site location;
  - (5) listing of other permits required;
  - (6) brief description of proposed work and estimated cost; and
  - (7) a plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- (b) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator or other municipal officer so authorized to determine that:
  - (1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  - (3) adequate drainage is provided so as to reduce exposure to flood hazards.

(c) Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information as may be obtained or required by any other section herein) as may be required by the Floodplain Administrator or other municipal officer so authorized to make the above determination:

- (1) a completed Building Permit Application Form;
- (2) a plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - (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.
- (3) 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 the North American Vertical Datum of 1988
  - (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.
- (4) The following data and documentation:
  - (i) documentation, certified by a registered professional engineer or an architect, to show that the commutative effect proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
  - (ii) 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 pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures that have been incorporated into the design of the structure and/or the development.
  - (iii) detailed information needed to determine compliance with Section 403.4(f), Storage, and Section 403.5, Development Which May Endanger Human Life, including:

- (1) the amount, location and purpose of any materials or substances referred to in Sections 403.4(f) and 403.5 hereof which are intended to be used, produced, stored or otherwise maintained on site.
- (2) a description of the safeguards incorporated into the design of the proposed structure(s) to prevent leaks or spills of the dangerous materials or substances listed in Section 403.5 during a one hundred (100) year flood.
- (5) the appropriate component of the Pennsylvania Department of Environmental Protection's "Planning Module for Land Development."
- (4) where any excavation or grading is proposed, a plan must be submitted meeting the requirements of the Department of Environmental Protection and Westmoreland County Conservation District for the implementation and maintenance of erosion and sedimentation control.

**402.4 Review by Westmoreland County Conservation District (§65-30 D.)**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area shall be submitted by the developer to the Westmoreland County Conservation District for review and comment prior to the issuance of any building permit or, if the developer shall fail to so submit, by the Ligonier Township Floodplain Administrator or other municipal officer so authorized. The recommendations of the Conservation District shall be considered by said municipal representative for possible incorporation into the proposed plan.

**402.5 Review of Application by Others (§65-30 E.)**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area may be submitted by the Floodplain Administrator or other municipal officer so authorized, at his sole discretion, to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

**402.6 Changes (§65-30 F.)**

After the issuance of a building permit by the Floodplain Administrator or other municipal officer so authorized, 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 said municipal representative. Requests for any such change shall be in writing, and shall be submitted by the applicant to the municipal representative for consideration in accordance with the general application and review standards set forth herein.

**402.7 Start of Construction (§65-30 G.)**

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator or other municipal officer so authorized. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of 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.

**402.8 Inspection and Revocation (§65-30 H.)**

- (a) During the construction period, the Floodplain Administrator or other municipal officer so authorized 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 municipal laws 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 Floodplain Administrator or other municipal officer so authorized shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- (c) In the event the Floodplain Administrator or other municipal officer so authorized discovers that the work being performed does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, said municipal officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.
- (d) A record of all such inspections and violations of this ordinance shall be maintained as part of the official Township records.

#### **402.9 Fees (§65-30 I.)**

Applications for a building permit for construction or development in a flood prone area shall be the same as fees for other building permits issued by Ligonier Township pursuant to applicable ordinances, in accordance with a schedule of fees as may, from time to time, be adopted and amended by the Ligonier Township Board of Supervisors.

#### **402.10 Enforcement (§65-30 J.)**

- (a) Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the designated municipal representative 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 not to exceed a period of thirty (30) days 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 the Commonwealth of Pennsylvania; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- (b) 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 of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Township of not less than Fifty Dollars (\$50.00) nor more than Six Hundred (plus costs of prosecution and reasonable attorneys fees). Each day during which any violation of this Ordinance continues shall constitute a separate punishable offense. 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 nor permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board to be a public nuisance and abatable as such.

#### **402.11 Appeals (§65-30 K.)**

- (a) Any person aggrieved by any action or decision of the Floodplain Administrator or other municipal officer authorized to act concerning the administration of the provisions 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 said municipal representative.



- (b) 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 considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- (c) The Secretary of Ligonier Township may postpone the date of the hearing for a reasonable time beyond such thirty-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.
- (d) After the hearing held under this section, the Board of Supervisors shall make findings as to compliance with the provisions hereof and regulations issued hereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice served as provided in Subsection A hereof.
- (e) The proceedings of such hearing, including the findings and decision of the Board of Supervisors, a copy of every notice, and all other records relating thereto shall be entered as a matter of public record in the Township of Ligonier. However, a transcript of the hearing need not be transcribed unless judicial review of the decision is sought as authorized by this section.
- (f) Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to any court of competent jurisdiction, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

#### **403 TECHNICAL PROVISIONS (§65-31)**

The following standards shall apply to all identified floodplain areas in Ligonier Township and development therein:

##### **403.1 General Standards (§65-31 A.)**

- (a) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection
- (b) No encroachment, alteration, or improvement of any kind shall be made to any watercourse, unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- (c) The Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- (d) Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
- (e) Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

##### **403.2 Special Requirements of Identified Floodplain Areas (§65-31 B.)**

- (a) With any FW (Floodway Area), the following provisions apply:
  - (1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - (2) No new construction or development shall be allowed, unless a permit is obtained

from the Department of Environmental Protection.

- (b) Within any FA (General Floodplain Area), the following provisions apply:
  - (1) 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 Protection
  - (2) Any new construction or development, which would cause any increase in one hundred year flood heights, shall be prohibited within any floodway area.
- (c) Within any FF (Flood-Fringe Area), the following provisions apply:
  - (1) 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 Environment Protection Regional Office.
  - (2) In any FF without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

#### **403.3 Elevation and Floodproofing Requirements (§65-31 C.)**

- (a) Residential Structures. Within any identified floodplain 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.
  - (1) Within any identified floodplain 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 and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - (2) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) 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, as amended March 1992) 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.
- (c) Space Below the Lowest Floor.
  - (1) Fully enclosed space below the lowest floor (including basement) is prohibited.
  - (2) 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 floodwaters 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:
    - (i) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - (ii) the bottom of all openings shall be no higher than one (1) foot above grade.
    - (iii) 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 floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
- (1) 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, material, and equipment related to the principal use or activity.
  - (2) floor area shall not exceed 600 square feet.
  - (3) the structure will have a low damage potential.
  - (4) the structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
  - (5) power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the 100 year flood elevation.
  - (6) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
  - (7) sanitary facilities are prohibited.
  - (8) the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic force. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - (i) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - (ii) the bottom of all openings shall be no higher than one (1) foot above grade.
    - (iii) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### **403.4 Design and Construction Standards (§65-31 D.)**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain 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 landfills shall not be permitted;
  - (3) be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - (4) be no steeper than on (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator or other municipal officer so authorized; and,
  - (5) be used to the extent to which it does not adversely affect adjacent properties
- (b) **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage 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.
- (c) **Water and Sanitary Sewer Facilities and Systems.**

- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(d) Other Utilities.

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(e) Streets.

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f) 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 403.5 hereof shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

(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 water.

(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, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

(i) Floors, Walls and Ceilings.

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the Regulatory Flood Elevation 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) Paints and Adhesives.

- (1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
  - (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
  - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- (k) Electrical Components.
- (1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (l) Equipment.
- Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (m) Fuel Supply Systems. 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.

**403.5 Development Which May Endanger Human Life (§65-31 E.)**

- (a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department as required by the Act, any new or substantially improved structure which:
- (1) will be used for the production or storage of any of the following dangerous materials or substances; or,
  - (2) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  - (3) will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
    - 1. Acetone
    - 2. Ammonia
    - 3. Benzene
    - 4. Calcium carbide
    - 5. Carbon disulfide
    - 6. Celluloid
    - 7. Chlorine
    - 8. Hydrochloric acid
    - 9. Hydrocyanic acid
    - 10. Magnesium
    - 11. Nitric acid and oxides of nitrogen
    - 12. Petroleum products (gasoline, fuel oil, etc.)
    - 13. Phosphorus
    - 14. Potassium
    - 15. Sodium
    - 16. Sulphur and sulphur products

17. Pesticides (including insecticides, fungicides, and rodenticides)
  18. Radioactive substances, insofar as such substances are not otherwise regulated.
- (b) Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.
  - (c) Within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  - (d) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
    - (1) elevated or designed and constructed to remain completely dry up to at least one and one half (1½) feet above the one hundred (100) year flood and,
    - (2) designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-proofing Regulations" (U. S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

**403.6 Special Requirements for Manufactured Homes (§65-31 F.)**

- (a) Within any FW (Floodway Area), manufactured homes shall be prohibited.
- (b) Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (c) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - (1) placed on a permanent foundation.
  - (2) elevated so that the lowest floor of the manufactured home is one and one half (1½) feet or more above the elevation of the one hundred (100) year flood.
  - (3) anchored to resist flotation, collapse, or lateral movement.
- (d) An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the Township of Ligonier for manufactured-home parks and subdivisions, where appropriate.

**403.7 Special Requirements for Subdivisions (§65-31G.)**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

**403.8 Special Requirements for Recreational Vehicles (§65-31 H.)**

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- (a) be on the site for fewer than 180 consecutive days
- (b) be fully licensed and ready for highway use, or
- (c) meet the permit requirements for manufactured homes in 403.6

**404 ACTIVITIES REQUIRING SPECIAL PERMITS (§65-32)**

**404.1 General. (§65-32 A.)** In accordance with the administrative regulations promulgated by the Department to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township:

- (a) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals
  - (2) Nursing Homes
  - (3) Jails or Prisons
- (b) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

**404.2 Application Requirements for Special Permits (§65-32 B.):** Applicants for Special Permits shall provide five copies of the following items:

- (a) A written request including a completed Building Permit Application form.
- (b) A small scale map showing the vicinity in which the proposed site is located.
- (c) 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:
  - (1) north arrow, scale and date;
  - (2) topography based upon the North American Vertical Datum of 1988 showing existing and proposed contours at intervals of two (2) feet;
  - (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - (4) the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - (5) the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - (6) the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
  - (7) the location of all proposed buildings, structures, utilities, and any other improvements; and
  - (8) any other information which the municipality considers necessary for adequate review of the application.
- (d) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

- (1) sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - (2) for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - (3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
  - (4) detailed information concerning any proposed floodproofing measures;
  - (5) cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - (6) profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - (7) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (e) The following data and documentation:
- (1) certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - (2) certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
  - (3) a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
  - (4) a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
  - (5) a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
  - (6) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
  - (7) where any excavation or grading is proposed, a plan meeting the requirement of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
  - (8) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
  - (9) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

**404.3 Application Review Procedures (§65-32 C.):** Upon receipt of an application for a Special Permit by the Township the following procedures shall apply in addition to those of Article III hereof:

- (a) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Westmoreland County Planning Commission by personal delivery, receipt requested, or by registered or certified mail for review and recommendations. Copies of the application shall also be



forwarded to the Ligonier Township Planning Commission and the Township Engineer for review and comment.

- (b) If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient. No time deadlines imposed upon the Township by this Ordinance or any statutory provision shall begin to run until the Township shall determine the application to be complete.
- (c) If the Township decides to disapprove an application, it shall notify the applicant, in writing, stating in what respect the application is deficient.
- (d) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- (e) Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- (f) If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- (g) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

**404.4 Special Technical Requirements (§65-32 D.):**

- (a) In addition to the requirements of the foregoing sections, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 403 hereof or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- (b) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - (i) the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
    - (ii) the lowest floor (including basement) elevation will be at least one and one half (1 ½) feet above the one hundred (100) year flood elevation.
    - (iii) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
  - (2) Prevent any significant possibility of pollution, increased flood levels or flow, or debris endangering life and property.

All hydrologic and hydraulic analyses required hereunder 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 Township and the Department of Community and Economic Development.

**405 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS (§65-32.1)**

**405.1 Existing Structures (§65-32.1 A.):** The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, if and when an improvement is made to any structure existing within the area of a defined floodplain, the provisions hereof shall apply.

**405.2 Improvements (§65-32.1 B.):** The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- (a) 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.
- (b) No expansion or enlargement of an existing structure shall be allowed within any FF (Flood-Fringe Area), together with all other existing and anticipated development, that would increase the BFE more than one (1) foot at any point.
- (c) 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.

**406 VARIANCES (§65-32.2):** If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

**406.1 Variance Procedures and Conditions (§65-32.2 A.):** Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 402.10 hereof and the following:

- (a) 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.
- (b) No variance shall be granted for any construction, development, use, or activity within any FF (Flood-Fringe Area) that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (c) Except for a possible modification of the one and one half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 404) or to Development Which May Endanger Human Life (Section 403.5).
- (d) If granted, a variance shall involve only the least modification necessary to provide relief.
- (e) In granting any variance, the Township may 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.
- (f) Whenever a variance is granted, the Township shall notify the applicant in writing that:

- (1) The granting of the variance may result in increased premium rates for flood insurance; and
  - (2) Such variances may increase the risks to life and property.
- (g) In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
- (1) That there is good and sufficient cause.
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (h) 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 Emergency Management Agency.
- (i) 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.

**407** **DEFINITIONS FOR FLOODPLAIN PROVISIONS (§65-33)**; Certain words used in this Ordinance, Article Four, subsections 400 through 406.1, are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word "shall" is mandatory and not permissive.

**BASE FLOOD:** A flood that has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

**BASE FLOOD ELEVATION (BFE):** The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT:** 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 paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS) -** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**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 water course; and/or sandy area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPLAIN DISTRICT:** A flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred year flood plain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Map of the Flood Insurance Study.

**FLOODPROOFING:** Means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**FLOOR AREA:** In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club, or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

**HISTORIC STRUCTURES:** Any structure that is:

- a. 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;
- b. 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;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
  - i. By an approved state program as determined by the Secretary of the Interior or;
  - ii. Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA:** The floodplain area specifically identified in these ordinances as being inundated by the one hundred year flood.

**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.

**MANUFACTURED HOME:** A transportation, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arise at a site completed 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 includes park trailers, travel trailers, recreational and other similar vehicles that are placed on a site for more than 180 consecutive days.

**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 non-transient use.

**MOBILE HOME:** A prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be

occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

**MOBILE HOME PARK:** A Planned Residential Development that is to be occupied by two or more mobile homes.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after September 1, 1978, and includes any subsequent improvements thereto.

**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 which is placed where the flow of the water might carry the same downstream to the damage of life and property.

**ONE HUNDRED YEAR FLOOD:** A flood of such magnitude that has only a one (1) percent chance of occurring each year, although such flood may occur in any year.

**RECREATIONAL VEHICLE:** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (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.

**REGULATORY FLOOD ELEVATION:** The one hundred year flood elevation plus a freeboard safety factor of one and one-half feet.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water level.

**SEDIMENTATION:** The process by which sediment is deposited on stream bottoms.

**SPECIAL FLOOD HAZARD AREA (SFHA):** Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

**SPECIAL PERMIT:** A special floodplain management approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or in a designation portion of a floodplain.

**START OF CONSTRUCTION:** Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that

alteration affects the external dimensions of the building.

**STREAM:** Any river, run, creek, or other drainage course draining surface water in which standing or flowing water is clearly visible throughout most of the year.

**STRUCTURE:** a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**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 (50) percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however include either:

- a. 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 assure safe living conditions, or;
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VIOLATION:** Means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

## **SECTION 2: REPEALER, SEVERABILITY EFFECTIVE DATE**

Any ordinance of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

## **SECTION 3: SEVERABILITY AND COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS**

A. The provisions of this Ordinance are severable, and should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid.

B. Approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure the required permits or approvals for activities regulated by other applicable code, rule or ordinance.

**SECTION 4: EFFECTIVE DATE**

The floodplain regulations adopted by this Ordinance shall become effective on March 17, 2011, and shall apply to all applications for construction and/or development in floodplain areas of the Township of Ligonier filed on or after that date.

**ORDAINED AND ENACTED** by the Ligonier Township Board of Supervisors at a Special Meeting duly convened on the 1<sup>st</sup> day of February, 2011.

**TOWNSHIP OF LIGONIER**

BY: William C. Puccio  
Chairman

Kera A. W. H. J.  
Supervisor

[Signature]  
Supervisor

ATTEST:

[Signature]  
Assistant Secretary

(SEAL)