

**FLOODPLAIN ORDINANCE
OF
MANHEIM TOWNSHIP – 2015**

**AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND
STANDARDS, GOVERNING FLOODPLAINS WITHIN THE TOWNSHIP
OF MANHEIM, SETTING FORTH THE PROCEDURES TO BE
FOLLOWED BY THE OFFICIALS OF THE TOWNSHIP IN APPLYING
AND ADMINISTERING THESE RULES, REGULATIONS AND
STANDARDS AND PROVIDING PENALTIES FOR THE VIOLATION
THEREOF.**

BE AND HEREBY ORDAINED AND ENACTED by the Board of
COMMISSIONERS of Manheim TOWNSHIP, Lancaster County,
Pennsylvania as follows:

ARTICLE I. GENERAL PROVISIONS

SECTION 101. TITLE

This ORDINANCE shall be known and shall be cited as "The FLOODPLAIN ORDINANCE of Manheim TOWNSHIP, as amended".

SECTION 102. PURPOSE

The FLOODPLAIN regulations are enacted to reflect the policy goals of Manheim TOWNSHIP, as set forth in the Manheim TOWNSHIP COMPREHENSIVE PLAN. The FLOODPLAIN regulations are enacted for the following purposes.

1. To promote, protect, and facilitate the public health, safety, morals and general welfare of the residents of the TOWNSHIP.
2. To control accelerated RUNOFF and EROSION and sedimentation problems at their source by regulating activities which cause such problems.
3. To utilize and preserve the desirable existing natural drainage systems within the TOWNSHIP.
4. To maintain the existing flows and quality of WATERCOURSES in the TOWNSHIP and Commonwealth of Pennsylvania.
5. To preserve and restore the FLOOD carrying capacity of WATERCOURSES.

6. To regulate uses, activities, and DEVELOPMENT which, acting alone or in combination with other existing or future uses, activities, and DEVELOPMENT, will cause unacceptable increases in FLOOD heights, velocities and frequencies.
7. To restrict or prohibit certain uses, activities and DEVELOPMENTS that do occur in FLOOD-prone AREAS to be protected or FLOODPROOFED against FLOODING and FLOOD damage.
8. To protect individuals from buying lands and STRUCTURES which are unsuited for intended purposes because of FLOOD hazards.

SECTION 103. ENACTMENT AUTHORITY AND RELATIONSHIP TO ZONING ORDINANCE

1. This ORDINANCE is enacted under the authority of the Flood Plain Management Act, of October 4, 1978, P.L. 851, No. 166, as amended, 32 P.S. §679.101 et seq., and the Pennsylvania MUNICIPALITIES PLANNING CODE (MPC), Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq.
2. This ORDINANCE shall be considered a supplement to the Zoning Ordinance of Manheim Township, as amended, and shall incorporate all provisions of the Zoning Ordinance which are not expressly varied by the specific terms and requirements of this ORDINANCE, including but not limited to the provisions of the Zoning Ordinance governing permits, administration, enforcement and remedies.

SECTION 104. COMPATIBILITY WITH PERMITS AND OTHER PROVISIONS

Approvals issued pursuant to this ORDINANCE do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of the ONE-HUNDRED (100) YEAR FLOODPLAIN are contained in these permits or approvals, the more stringent regulation shall apply.

SECTION 105. SEVERABILITY

The provisions of this ORDINANCE are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, any such decision of such court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ORDINANCE; and it is hereby declared to be the intention of the COMMISSIONERS that this ORDINANCE would have been enacted as if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

SECTION 106. MUNICIPAL LIABILITY

The granting of a permit or the making of any other administrative decision under this ORDINANCE, shall not constitute a representation, guarantee, or warranty of any kind by Manheim TOWNSHIP or by any official, agent, or employee thereof, of the practicability or safety of any STRUCTURE, use, or other plan proposed with respect to damage from FLOOD or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent or employee for any FLOOD damage that may result pursuant thereto or as a result of reliance on this ORDINANCE. There is also no assurance that lands not included in the FLOODPLAIN Zone are now or ever will be free from FLOODING or FLOOD damage.

SECTION 107. REPEALS AND CONTINUATION OF PRIOR REGULATIONS

Except as otherwise required by this ORDINANCE, it is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this ORDINANCE restates regulations contained in ordinances previously enacted by the COMMISSIONERS, this ORDINANCE shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the COMMISSIONERS that all provisions of this ORDINANCE shall be considered in full force and effect as of the date such regulations were initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this ORDINANCE are hereby repealed. It is expressly provided that the provisions of this ORDINANCE shall not affect any act done, contract executed, or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rules, regulations, or ordinances, or part thereof, or to punish any VIOLATION which occurred under any prior regulation or ordinance. In the event any VIOLATION has occurred under any prior ordinance governing the subject matter, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior ordinance, and the provisions and penalties provided in said ordinance shall remain effective as to such VIOLATION.