

## **ARTICLE II. TERMINOLOGY**

### **SECTION 201. INTERPRETATION AND WORD USAGE**

1. Unless otherwise stated, the following words and phrases shall be interpreted and construed throughout this ORDINANCE to have the meaning herein indicated. Terms not herein defined and defined in the Subdivision and Land DEVELOPMENT Ordinance, Zoning Ordinance, or STORMWATER MANAGEMENT Ordinance shall have the meanings assigned in such ordinances.
2. The following rules of CONSTRUCTION and interpretation shall be used in this ORDINANCE.
  - A. Words in the present tense may imply the future tense.
  - B. Words used in singular imply the plural, and the plural shall include the singular.
  - C. The masculine gender includes the feminine and the neuter genders.
  - D. The word "person" includes a partnership, firm, association, corporation, organization, trust, estate, company or any other legally recognized entity as well as an individual and the officers of any corporation and the members of any partnership and shall include both singular and plural.
  - E. The word "shall" or "must" is to be interpreted as mandatory; the word "may" is discretionary.
  - F. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the TOWNSHIP or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.
  - G. Terms not defined in this ORDINANCE, in such other ordinances, or in § 107 of the MPC shall have the meaning assigned to them in the most recent edition of Merriam-Webster's Collegiate Dictionary.

### **SECTION 202. SPECIFIC WORDS AND PHRASES**

Unless otherwise stated, the following words and phrases shall be interpreted and construed throughout this ORDINANCE to have the meaning herein indicated.

**ACCESS DRIVE** - A private drive providing pedestrian and vehicular access between a public or private street and a PARKING AREA(S) within a land DEVELOPMENT and any DRIVEWAY servicing two or more units of occupancy on a single lot or contiguous lots. The

ACCESS DRIVE is not intended to include any portion of the travel lane abutting PARKING AREAS.

ACT - The Flood Plain Management Act, Act of October 4, 1978, P.L. 851, No. 166, as amended, 32 P.S. §679.101 et. seq., and all regulations promulgated thereunder.

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture, and gardening, including the keeping or raising of livestock including the sale of crops and agricultural, dairy and horticultural farm products incidental to the operation of a farm.

APPROVED - Approved by the recognized authoritative agency or official as specified in the respective regulations.

AREA - The extent of surface contained within the boundaries or extremities of land or BUILDING.

BASEMENT - That portion of a BUILDING that is partly or completely below GRADE.

BASE FLOOD - A FLOOD which has a one percent chance of being equaled or exceeded in any given year. See also ONE-HUNDRED (100) YEAR FLOOD.

BASE FLOOD ELEVATION (BFE) - The elevation shown on the FLOOD INSURANCE RATE MAP (FIRM) for Zones AE and AH that indicates the water surface elevation resulting from a FLOOD that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

BIKE PATH - A PATHWAY that is exclusively used by bicyclists, where a separate, parallel path is provided for pedestrians and other wheeled users. Most PATHWAYS are shared between bicyclists and other users. See also PATHWAYS.

BRIDGE - An enclosed water carrying STRUCTURE of one (1) or more openings having a combined span of eight (8) feet or greater.

BUILDING - Any STRUCTURE used for a resident, business, industry, or other public or private purpose, or accessory thereto, and including porches, greenhouses, stables, garages, roadside stands, MOBILE HOMES and similar STRUCTURES, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

CHANNEL - A natural or artificial WATERCOURSE with a definite bed and banks which confine and conduct continuously or periodically flowing water.

COMMISSIONERS - The Board of Commissioners of the TOWNSHIP of Manheim, Lancaster County, Pennsylvania.

**COMPLETELY DRY SPACE** - A space which will remain totally dry during FLOODING; the STRUCTURE is designed and constructed to prevent the passage of water and water vapor. [Added 6-27-2005 by Ord. No. 2005-17].

**COMPREHENSIVE PLAN** - The Comprehensive Plan for Manheim Township March 2010, and any amendments thereto, indicating the general locations recommended for circulation facilities, community IMPROVEMENTS and land uses.

**CONSERVATION PLAN** - A plan for AGRICULTURE land that includes maps and narrative and includes at a minimum an EROSION and Sedimentation Control Plan as required by Chapter 102 of DEP regulations and APPROVED by the Lancaster County Conservation District.

**CONSTRUCTION** - The Construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a BUILDING or STRUCTURE, including the placement of MOBILE HOMES.

**CULVERT** - An enclosed water carrying STRUCTURE of one (1) or more openings having a combined span including spacing between openings equal to or less than twenty (20) feet.

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA (DCED)** - The Department of Community and Economic Development of the Commonwealth of Pennsylvania or any agency successor thereto.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (DHUD)** – The Department of Housing and Urban Development or any agency successor thereto.

**DEVELOPER** - Any LANDOWNER, agent of such LANDOWNER or tenant with the permission of such LANDOWNER, who makes or causes to be made a subdivision of land or a land DEVELOPMENT, or other activities covered by this ORDINANCE.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate including but not limited to BUILDINGS or other STRUCTURES, mining, dredging, filling, grading, paving, excavation, or drilling operations, and the storage of material or equipment. This includes redevelopment.

**DRIVEWAY** - An improved private cartway designed and constructed to provide vehicular and pedestrian movement between a public or private road and a tract of land.

**DWELLING** - A BUILDING permanently erected on and attached to a foundation, having a fixed location on the ground, and used for residential occupancy, which BUILDING when so erected and attached, shall, in the normal frame of referenced, be immobile. Hospitals, hotels, boarding, rooming and lodging houses, institutional homes, motels, tourist courts, and the like, offering overnight accommodations for guests or patients, shall not be considered DWELLINGS within the meaning of this ORDINANCE. In addition, in order to qualify as a DWELLING, all of the following standards and conditions must be complied with:

- A. The foundation for the DWELLING shall be an entire perimeter wall, either of concrete or masonry CONSTRUCTION, extending from below the frost line to the underside of the DWELLING;
- B. The DWELLING must be attached to the foundation wall by anchor bolts or similar attachments APPROVED by the TOWNSHIP as contrasted with the mere setting of the DWELLING unit on the foundation wall system;
- C. In the event the DWELLING formerly was a MOBILE HOME as defined herein, the entire running gear, as contrasted with just the wheels, must be removed, and;
- D. Any towing hitch must be removed from the DWELLING.

ENGINEER - A professional ENGINEER registered in the Commonwealth of Pennsylvania.

EROSION - The natural process by which the surface of the land is worn away by water, wind or chemical action.

ESSENTIALLY DRY SPACE - A space which will remain dry during FLOODING, except for the passage of some water vapor or minor seepage; the STRUCTURE is substantially impermeable to the passage of water. **[Added 6-27-2005 by Ord. No. 2005-17].**

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The United States Federal Emergency Management Agency or any agency successor thereto.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FLOOD, FLOODED, OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land AREAS from the overflow of a WATERCOURSE or other body of surface water, or from the unusual and rapid accumulation or RUNOFF of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the FEDERAL EMERGENCY MANAGEMENT AGENCY 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 EMERGENCY MANAGEMENT AGENCY that includes FLOOD profiles, the FLOOD INSURANCE RATE MAP (FIRM), the FLOOD Boundary and FLOODWAY map, and the water surface elevation of the BASE FLOOD.

FLOODPLAIN - An AREA of land adjacent to the CHANNEL of a WATERCOURSE which has been or is likely to be FLOODED, or any AREA subject to the unusual and rapid accumulation or RUNOFF of surface waters from any source, or as defined by FEMA.

**FLOODPROOF, FLOODPROOFED, OR FLOODPROOFING** - Any combination of structural and nonstructural provisions, additions, changes or adjustments to **STRUCTURES** or contents which are designed or adapted primarily to reduce or eliminate **FLOOD** damage to those **STRUCTURES** or contents.

**FLOODWAY** - FEMA regulated term within a **CHANNEL** of a river or other **WATERCOURSE** and the adjacent land **AREAS** that must be reserved per FEMA regulations in order to discharge the **BASE FLOOD** without cumulatively increasing the water surface elevation more than one (1) foot.

**GRADE** - A reference plane representing the average of finished ground level adjoining the **BUILDING** at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the **AREA** between the **BUILDING** and the lot line or, when the lot line is more than six (6) feet from the **BUILDING**, between the **BUILDING** and a point six (6) feet from the **BUILDING**. Also, the slope of a road **CHANNEL** or natural ground specified in percent and shown on plans as specified herein.

**GROUNDWATER RECHARGE** - The process by which water from above the ground surface is added to the saturated zone of an aquifer, either directly or indirectly.

**HAZARDOUS MATERIAL** - Materials which are identified and listed in the Code of Federal Regulations, Title 40, Part 261, latest edition, and **RADIOACTIVE MATERIAL**. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers.

**HISTORIC STRUCTURE** - 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 with historic preservation programs which have been **APPROVED** by the Secretary of Interior; or
- D. 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.

**IMPROVEMENT** - Physical changes to the land, including, but not limited to BUILDINGS, STRUCTURES, grading, paving, curbs, gutters, STORM SEWERS and drains, IMPROVEMENTS to existing WATERCOURSES, sidewalks, street, signs, monuments, water supply facilities and sewage disposal facilities.

**LANDOWNER** - The legal, beneficial or equitable owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the LANDOWNER, or other persons having a proprietary interest in land.

**LOWEST FLOOR** - The LOWEST FLOOR of the lowest enclosed AREA (including BASEMENT). An unfinished or FLOOD resistant enclosure usable solely for parking of vehicles, BUILDING access or storage in an AREA other than a BASEMENT AREA is not considered a BUILDING's LOWEST FLOOR, provided that such enclosure is not built so as to render the STRUCTURE, in VIOLATION of the applicable nonelevation design requirements of this ORDINANCE.

**MANUFACTURED HOME** - A fully pre-fabricated transportable, single-family detached DWELLING unit intended for household occupancy contained in one (1) or more units designed to be joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and household furnishings. It shall be constructed as required by the UCC and shall be placed on a permanent foundation with the same, or equivalent, electrical, plumbing and sanitary facilities as for a conventional stick-built single-family detached DWELLING. A MANUFACTURED HOME includes any addition or accessory STRUCTURE such as porches, sheds, or decks, which are attached to it. The term MANUFACTURED HOME does not include a MOBILE HOME or RECREATIONAL VEHICLE.

**MANUFACTURED HOME PARK OR SUBDIVISION** - a parcel (or contiguous parcels) of land divided into two or more MANUFACTURED HOME lots for rent or sale.

**MEAN SEA LEVEL** - The average height of the sea for all stages of the tide, using the North American Vertical Datum of 1988.

**MOBILE HOME** - A transportable, single family DWELLING intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. MOBILE HOMES do not include RECREATIONAL VEHICLES or MANUFACTURED HOMES.

**MOBILE HOME PARK** - A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of MOBILE HOMES for non-transient use, consisting of two (2) or more MOBILE HOME lots for rent or sale.

**MODIFICATION** - A change; alteration or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.

**MUNICIPALITIES PLANNING CODE (MPC)** - The Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, P.L. 805, as amended and reenacted, 53 P.S. §10101 et seq.

**NEW CONSTRUCTION** - STRUCTURES for which the START OF CONSTRUCTION commenced on or after the effective date of this ORDINANCE, and includes any subsequent IMPROVEMENTS thereto. **[Added 6-27-2005 by Ord. No. 2005-17]**. Any CONSTRUCTION started after June 24, 1968 and before the effective date of this ORDINANCE is subject to the regulations in effect at the time the permit is issued, provided the START OF CONSTRUCTION is within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - A MANUFACTURED HOME PARK or subdivision for which the CONSTRUCTION of facilities for servicing the lots on which the MANUFACTURED HOMES are to be affixed (including at a minimum, the installation of utilities, the CONSTRUCTION of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of FLOODPLAIN management regulations adopted by a community.

**OBSTRUCTION** - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, refuse, FILL, STRUCTURES, or other matter in, along, across or projecting into any CHANNEL, WATERCOURSE, or FLOODPLAIN, which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

**ONE-HUNDRED (100) YEAR FLOOD** - A FLOOD which is likely to be equaled or exceeded once every one-hundred (100) years (i.e. that has a one percent chance of being equaled or exceeded in any given year). See also BASE FLOOD.

**ONE-HUNDRED (100) YEAR FLOOD ELEVATION** - The water surface elevations of the ONE-HUNDRED (100) YEAR FLOOD.

**ONE-HUNDRED (100) YEAR FLOODPLAIN** - Any land AREA susceptible to a general and temporary condition of partial or complete inundation by the ONE-HUNDRED (100) YEAR FLOOD due to overflow of inland waters, or to the unusual and rapid accumulation or RUNOFF of surface waters from any source. See also SPECIAL FLOOD HAZARD AREA.

**ORDINANCE** - The FLOODPLAIN Ordinance of Manheim Township, as amended.

**PARKING LOT** - An accessory use provided on a lot for the use of the general public designated for short-term parking of vehicles. Vehicles shall be limited to currently registered and inspected vehicles.

**PATHWAYS** - A path intended for use by pedestrians and bicyclists, but not by unauthorized motorized vehicles. It is a path that may run parallel to the street, but is separated from it. See also BIKE PATH.

**PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)** - The Pennsylvania Department of Environmental Protection or any agency successor thereto.

**PESTICIDE** - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds or other forms of plant or animal life.

**POST-FIRM STRUCTURE** - A STRUCTURE for which CONSTRUCTION or SUBSTANTIAL IMPROVEMENT occurred after Manheim TOWNSHIP's initial FIRM, dated August 15, 1979, and, as such would be required to be compliant with the regulations of the National FLOOD Insurance Program.

**PRE-FIRM STRUCTURE** - A STRUCTURE for which CONSTRUCTION or SUBSTANTIAL IMPROVEMENT occurred on or before August 15, 1979, and, as such would not be required to be complaint with the regulations of the National FLOOD Insurance Program.

**RADIOACTIVE MATERIAL** - Any natural or artificially produced substance which emits radiation spontaneously.

**RECREATIONAL VEHICLE** - A vehicle which is (a) built on a single chassis; (b) not more than four-hundred (400) square feet, measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) not designed for use as a permanent DWELLING but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**RIPARIAN BUFFER** - Undisturbed riparian land adjacent to a natural WATERCOURSE and other bodies of water for the purpose of stabilizing banks, filtering pollutants from RUNOFF and for providing habitat for a variety of wildlife. This is not intended to include man-made SWALES or detention facilities utilized solely for STORMWATER MANAGEMENT from the project site.

**RUNOFF** - Any part of precipitation that flows over the land surface.

**SEDIMENT** - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

**SOLID WASTE** - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

**SPECIAL FLOOD HAZARD AREA (SFHA)** - An AREA in the FLOODPLAIN subject to a one (1) percent or greater chance of FLOODING in any given year. The SFHA is shown on the FIRM as Zone A, AO, A1-A-30, AE, A99, or AH.

**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 or permanent CONSTRUCTION or 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 MANUFACTURED 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 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.

**STORM SEWER** - A system of pipes, conduits, SWALES or other similar STRUCTURES including appurtenant works which carries intercepted RUNOFF, and other drainage, but excludes domestic sewage and industrial waste.

**STORMWATER** - Drainage RUNOFF from the surface of the land resulting from precipitation or snow or ice melt.

**STORMWATER MANAGEMENT** - A program of controls and measures designed to regulate the quantity and quality of STORMWATER RUNOFF from a DEVELOPMENT while promoting the protection and conservation of Groundwater and GROUNDWATER RECHARGE.

**STORMWATER MANAGEMENT FACILITIES** - Those controls and measures used to effect a STORMWATER MANAGEMENT program.

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. A walled and roofed BUILDING, including a gas or liquid storage tank that is principally above ground, as well as a MANUFACTURED HOME or a MOBILE 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 repair, 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 which have incurred SUBSTANTIAL DAMAGE, regardless of the actual repair work performed. The term does not, however include either: **[Added 6-27-2005 by Ord. No. 2005-17]**.

- 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 preclude the STRUCTURE's continued designation as a HISTORIC STRUCTURES.

SWALE - A wide shallow ditch which carries surface water RUNOFF.

TOWNSHIP - The TOWNSHIP of Manheim, Lancaster County, Pennsylvania.

TOWNSHIP ENGINEER - A duly registered professional ENGINEER, licensed as such in the Commonwealth of Pennsylvania, employed by the TOWNSHIP or engaged as a consultant thereto and appointed as the ENGINEER for the TOWNSHIP.

UNIFORM CONSTRUCTION CODE (UCC) - The state wide BUILDING code adopted by the Pennsylvania General Assembly in 1999 applicable to New CONSTRUCTION all municipalities whether administered by the MUNICIPALITY, a third party or the Department of Labor and Industry. For residential and commercial BUILDINGS, the UCC adopted the International Residential Code (IRC) and the International BUILDING Code (IBC), by reference, as the CONSTRUCTION standard applicable within the Commonwealth of Pennsylvania to FLOODPLAIN CONSTRUCTION. For coordination purposes, references to the UCC are made specifically to various sections of the IRC and the IBC. **[Added 6-27-2005 by Ord. No. 2005-17]**.

VIOLATION - A VIOLATION means the failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with the TOWNSHIP's FLOODPLAIN management regulations. A STRUCTURE or other DEVELOPMENT without the elevation certificate, other certifications, or other evidence of compliance within or 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.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, CHANNEL, SWALE, pond, lake or other body of surface water, carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular WATERCOURSE.

WETLAND BUFFER - An AREA of land immediately adjacent to a WETLAND that is set aside for naturally occurring vegetation or the reestablishment of native plant species and as a transition

zone to protect the WETLAND from impact caused by DEVELOPMENT of adjacent upland AREAS.

WETLANDS - Those AREAS that are inundated or saturated by surface or Groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar AREAS.

ZONING HEARING BOARD - Manheim TOWNSHIP ZONING HEARING BOARD.