

## **ARTICLE IV. ADMINISTRATION AND ENFORCEMENT**

### **SECTION 401. FLOODPLAIN ADMINISTRATOR**

The Zoning Officer of the TOWNSHIP is hereby appointed to administer and enforce this ORDINANCE and shall have the authority to act as the FLOODPLAIN Administrator. The FLOODPLAIN Administrator shall:

1. Fulfill the duties and responsibilities set forth in these regulations;
2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
3. Enter into a written contract with another agency or private sector entity to administer specific provisions of these regulations.

Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National FLOOD Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

### **SECTION 402. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

1. The FLOODPLAIN Administrator shall issue a permit 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.
2. Prior to the issuance of any permit, the FLOODPLAIN Administrator or other person authorized by the FLOODPLAIN Administrator shall review the application for the permit to determine if all other applicable agency permits have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act, 35 P.S. §691.1 et seq, 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.
3. During the CONSTRUCTION period, the FLOODPLAIN Administrator or other person authorized by the FLOODPLAIN Administrator 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.
4. The FLOODPLAIN Administrator or other person authorized by the FLOODPLAIN Administrator 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.
5. In the event the FLOODPLAIN Administrator or other person authorized by the FLOODPLAIN Administrator discovers that the work does not comply with the permit

application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the FLOODPLAIN Administrator or other person authorized by the FLOODPLAIN Administrator shall revoke the permit and report such fact to the COMMISSIONERS for whatever action it considers necessary.

6. The FLOODPLAIN Administrator shall maintain in perpetuity all records associated with the requirements of this ORDINANCE including, but not limited to, permitting, inspection and enforcement.
7. The FLOODPLAIN Administrator shall consider the requirements of the UCC.

### **SECTION 403. PERMIT**

1. Irrespective of the provisions of the TOWNSHIP Zoning Ordinance, BUILDING permits shall be required within the FLOODPLAIN AREA and immediately adjacent to the FLOODPLAIN AREA for all proposed DEVELOPMENT, CONSTRUCTION, reconstruction, placement, replacement, expansion, renovation, extension, repair, or other IMPROVEMENT of uses or STRUCTURES, regardless of value, including mining, dredging, filling, grading, logging, paving, excavation, or drilling operations and the storage of materials or equipment.
2. Every permit application for work or uses within the FLOODPLAIN AREA and immediately adjacent to the FLOODPLAIN AREA shall include or be accompanied by all information necessary for the TOWNSHIP to determine that the proposal meets all the provisions of applicable TOWNSHIP ordinances and other governmental agency regulations.
3. The following information is specifically required to accompany all BUILDING permit applications involving all STRUCTURES within the FLOODPLAIN AREA or immediately adjacent to the FLOODPLAIN AREA:
  - A. The elevation (in relation to MEAN SEA LEVEL, NAVD 88) of the LOWEST FLOOR (including BASEMENT).
  - B. Whether or not the STRUCTURE includes a BASEMENT.
  - C. If the STRUCTURE has been FLOODPROOFED, the elevation (in relation to MEAN SEA LEVEL, NAVD 88) to which the STRUCTURE was FLOODPROOFED.
  - D. The elevation of the BASE FLOOD.
  - E. Detailed information concerning any proposed FLOODPROOFING measures and corresponding elevations.
  - F. Every permit application for work on or the use of property containing any FLOODPLAIN shall be subject to the following requirements and shall include language on the permit stating "Nothing shall be placed, planted, set or put within

the FLOODPLAIN except as authorized by this ORDINANCE. The ONE-HUNDRED (100) YEAR FLOODPLAIN boundary was delineated based on (identify the FLOODPLAIN study – i.e. FEMA delineation or a FLOODPLAIN Study prepared by XYZ Consultant on (identify the date)). The proposed LOWEST FLOOR (including BASEMENT) shall be elevated a minimum of one (1) foot above the ONE-HUNDRED (100) YEAR FLOODPLAIN ELEVATION. The ONE-HUNDRED (100) YEAR FLOODPLAIN ELEVATION based on the above-referenced study is (define elevation) and the LOWEST FLOOR (including BASEMENT) elevation is (define elevation). The ONE-HUNDRED (100) YEAR FLOODPLAIN boundary shall be field staked prior to CONSTRUCTION. The ONE-HUNDRED (100) YEAR FLOODPLAIN ELEVATION shall be field verified by a professional land surveyor or professional ENGINEER and certified following the CONSTRUCTION of the foundation.”

The elevated LOWEST FLOOR requirement shall not apply to accessory STRUCTURES which are not used for human habitation, but are used to store tools, materials, or equipment related to the principal use or activity provided the following conditions are met:

- (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) The floor AREA shall not exceed two hundred (200) 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 FLOOD waters.
- (5) Power lines, wiring, and outlets will be elevated to the regulatory 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, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of FLOOD water for the purpose of equalizing hydrostatic forces on the walls. Design for meeting this requirement must be certified by a registered professional ENGINEER or meet or exceed the following minimum criteria:
  - (a) 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.

- (b) The bottom of all openings shall be no higher than one (1) foot above GRADE.
- (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of FLOOD waters.
- (d) The certification identified in Section 403.3.G. shall be placed on the site plan accompanying the permit application.

G. The following certification is to be signed and sealed by a professional land surveyor or professional ENGINEER registered in the Commonwealth of Pennsylvania and authorized by law to perform such task to certify elevation information:

I certify that on \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_ of  
(date) (print name)

\_\_\_\_\_ verified that the LOWEST FLOOR elevation  
(company or firm)

(including BASEMENT) and FLOODPLAIN elevation supplied on this plan are true and correct and that the BUILDING elevation is \_\_\_\_\_ (feet/inches)  
\_\_\_\_\_ above the FLOODPLAIN elevation.  
(feet/inches)

\_\_\_\_\_

Seal

4. Where FLOODPROOFING is proposed to be utilized for a particular STRUCTURE, the BUILDING permit application shall be accompanied by a document certified by a licensed professional, registered by the Commonwealth of Pennsylvania and qualified to make such certifications, certifying that the FLOODPROOFING methods used meet the provisions of Section 307 of this ORDINANCE and are adequate to withstand the FLOOD depths, of the ONE-HUNDRED (100) YEAR FLOOD, and indicating the specific elevation (in relation to MEAN SEA LEVEL) to which such STRUCTURE is FLOODPROOFED.
5. A copy of all plans and applications for proposed CONSTRUCTION or other IMPROVEMENTS within the FLOODPLAIN AREA to be considered for approval may be submitted by the TOWNSHIP to any other appropriate agencies or individuals for review and comment.

## **SECTION 404. ENFORCEMENT, PENALTY, AND REMEDY**

The enforcement of this ORDINANCE, as well as the penalties and remedies for VIOLATIONS, shall be in accordance with the enforcement penalty and remedy provisions of the TOWNSHIP Zoning Ordinance.

## **SECTION 405. EFFECTIVE DATE**

This ORDINANCE shall become effective immediately following its enactment by the Board of COMMISSIONERS of Manheim TOWNSHIP, Lancaster County, Pennsylvania.

Enacted and Ordained this 28<sup>th</sup> day of September, 2015.

ATTEST:

MANHEIM TOWNSHIP COMMISSIONERS

Secretary



By: Albert B. King  
President (Vice)

