

Floodplain Ordinance as Amended

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Floodplain Ordinance as Amended

BOROUGH OF MUNCY
ORDINANCE NO.

AN ORDINANCE REQUIRING ALL PERSONS,
PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO
OBTAIN A PERMIT FOR ANY CONSTRUCTION OR
DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF
SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM
REQUIREMENTS FOR NEW CONSTRUCTION AND
DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF
MUNCY WHICH ARE SUBJECT TO FLOODING; AND
ESTABLISHING PENALTIES FOR ANY PERSONS WHO
FAIL, OR REFUSE TO COMPLY WITH, THE
REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

ARTICLE I. STATUTORY AUTHORIZATION

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 Council of the Borough of Muncy does hereby order as follows.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance 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.
- 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.

Section 2.02 Applicability

- 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 Borough of Muncy 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.

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105 Section 2.03 Abrogation and Greater Restrictions

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

110 Section 2.04 Severability

111 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be
112 declared invalid for any reason whatsoever, such a decision shall not affect the remaining
113 portions of the Ordinance, which shall remain in full force and effect, and for this purpose the
114 provisions of this Ordinance are hereby declared to be severable.

115 Section 2.05 Warning and Disclaimer of Liability

116 The degree of flood protection sought by the provisions of this Ordinance is considered
117 reasonable for regulatory purposes and is based on accepted engineering methods of study.
118 Larger floods may occur or flood heights may be increased by man-made or natural causes, such
119 as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas
120 outside any identified floodplain areas, or that land uses permitted within such areas will be free
121 from flooding or flood damages.

122
123 This Ordinance shall not create liability on the part of the Borough of Muncy or any officer or
124 employee thereof for any flood damages that result from reliance on this Ordinance or any
125 administrative decision lawfully made thereunder.

126
127 **ARTICLE III. ADMINISTRATION**

128 Section 3.01 Designation of the Floodplain Administrator

129 The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred
130 to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the
131 duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities
132 set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and
133 other employees, or (C) Enter into a written agreement or written contract with another agency or
134 private sector entity to administer specific provisions of these regulations. Administration of any
135 part of these regulations by another entity shall not relieve the community of its responsibilities
136 pursuant to the participation requirements of the National Flood Insurance Program as set forth
137 in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

138
139 In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are
140 to be fulfilled by the Borough Manager.

141 Section 3.02 Permits Required

142 A Permit shall be required before any construction or development is undertaken within any area
143 of the Borough of Muncy.

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144 Section 3.03 Duties and Responsibilities of the Floodplain Administrator

- 145 A. The Floodplain Administrator shall issue a Permit only after it has been determined that
146 the proposed work to be undertaken will be in conformance with the requirements of this
147 and all other applicable codes and ordinances.
- 148 B. Prior to the issuance of any permit, the Floodplain Administrator shall review the
149 application for the permit to determine if all other necessary government permits required
150 by state and federal laws have been obtained, such as those required by the Pennsylvania
151 Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and
152 Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act
153 (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C.
154 1344. No permit shall be issued until this determination has been made.
- 155 C. During the construction period, the Floodplain Administrator or other authorized official
156 shall inspect the premises to determine that the work is progressing in compliance with
157 the information provided on the permit application and with all applicable municipal laws
158 and ordinances. He/she shall make as many inspections during and upon completion of
159 the work as are necessary.
- 160 D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to
161 enter any building, structure, premises or development in the identified floodplain area,
162 upon presentation of proper credentials, at any reasonable hour to enforce the provisions
163 of this ordinance.
- 164 E. In the event the Floodplain Administrator discovers that the work does not comply with
165 the permit application or any applicable laws and ordinances, or that there has been a
166 false statement or misrepresentation by any applicant, the Floodplain Administrator shall
167 revoke the Permit and report such fact to the Borough Council for whatever action it
168 considers necessary.
- 169 F. The Floodplain Administrator shall maintain in perpetuity all records associated with the
170 requirements of this ordinance including, but not limited to, finished construction
171 elevation data, permitting, inspection and enforcement.
- 172 G. The Floodplain Administrator is the official responsible for submitting a biennial report
173 to FEMA concerning community participation in the National Flood Insurance Program.
- 174 H. The responsibility, authority and means to implement the commitments of the Floodplain
175 Administrator can be delegated from the person identified. However, the ultimate
176 responsibility lies with the person identified in the floodplain ordinance as the floodplain
177 administrator/manager.
- 178 I. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the
179 2009 IBC and the 2009 IRC or latest revisions thereof.

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180 Section 3.04 Application Procedures and Requirements

181 A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator
182 on forms supplied by the Borough of Muncy. Such application shall contain the
183 following:

184 1. Name and address of applicant.

185 2. Name and address of owner of land on which proposed construction is to occur.

186 3. Name and address of contractor.

187 4. Site location including address.

188 5. Listing of other permits required.

189 6. Brief description of proposed work and estimated cost, including a breakout of
190 flood-related cost and the market value of the building before the flood damage
191 occurred where appropriate.

192 7. A plan of the site showing the exact size and location of the proposed construction
193 as well as any existing buildings or structures.

194 B. If any proposed construction or development is located entirely or partially within any
195 identified floodplain area, applicants for Permits shall provide all the necessary
196 information in sufficient detail and clarity to enable the Floodplain Administrator to
197 determine that:

198 1. all such proposals are consistent with the need to minimize flood damage and
199 conform with the requirements of this and all other applicable codes and
200 ordinances;

201 2. all utilities and facilities, such as sewer, gas, electrical and water systems are
202 located and constructed to minimize or eliminate flood damage;

203 3. adequate drainage is provided so as to reduce exposure to flood hazards;

204 4. structures will be anchored to prevent floatation, collapse, or lateral movement;

205 5. building materials are flood-resistant;

206 6. appropriate practices that minimize flood damage have been used; and

207 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other
208 service facilities have been designed and located to prevent water entry or
209 accumulation.

210 C. Applicants shall file the following minimum information plus any other pertinent
211 information as may be required by the Floodplain Administrator to make the above

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- 212 determination:
- 213 1. A completed Permit Application Form.
- 214 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being
215 equal to one hundred (100) feet or less, showing the following:
- 216 a. north arrow, scale, and date;
- 217 b. topographic contour lines, if available;
- 218 c. the location of all existing and proposed buildings, structures, and other
219 improvements, including the location of any existing or proposed
220 subdivision and development;
- 221 d. the location of all existing streets, drives, and other access ways; and
- 222 e. the location of any existing bodies of water or watercourses, identified
223 floodplain areas, and, if available, information pertaining to the
224 floodway, and the flow of water including direction and velocities.
- 225 3. Plans of all proposed buildings, structures and other improvements, drawn at
226 suitable scale showing the following:
- 227 a. the proposed lowest floor elevation of any proposed building based upon
228 North American Vertical Datum of 1988;
- 229 b. the elevation of the base flood;
- 230 c. supplemental information as may be necessary under 34 PA Code, the
231 2009 IBC or the 2009 IRC.
- 232
- 233 4. The following data and documentation:
- 234
- 235 a. detailed information concerning any proposed floodproofing measures
236 and corresponding elevations.
- 237 b. if available, information concerning flood depths, pressures, velocities,
238 impact and uplift forces and other factors associated with a base flood;
239 and Floodway Area (See section 4.02 A) when combined with all other
240 existing and anticipated development, will not increase the base flood
241 elevation at any point.
- 242 c. documentation, certified by a registered professional engineer or
243 architect, to show that the cumulative effect of any proposed
244 development within an AE Area/District without floodway (See Section
245 4.02 B) when combined with all other existing and anticipated
246 development, will not increase the base flood elevation more than one (1)

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- 247 foot at any point within the community.
- 248 d. a document, certified by a registered professional engineer or architect,
249 which states that the proposed construction or development has been
250 adequately designed to withstand the pressures, velocities, impact and
251 uplift forces associated with the base flood.
- 252 Such statement shall include a description of the type and extent of flood
253 proofing measures which have been incorporated into the design of the
254 structure and/or the development.
- 255 e. detailed information needed to determine compliance with Section 5.03
256 F., Storage, and Section 5.04, Development Which May Endanger
257 Human Life, including:
- 258 i. the amount, location and purpose of any materials or substances
259 referred to in Sections 5.03 F. and 5.04 which are intended to be
260 used, produced, stored or otherwise maintained on site.
- 261 ii. a description of the safeguards incorporated into the design of
262 the proposed structure to prevent leaks or spills of the dangerous
263 materials or substances listed in Section 5.04 during a base
264 flood.
- 265 f. the appropriate component of the Department of Environmental
266 Protection's "Planning Module for Land Development."
- 267 g. where any excavation or grading is proposed, a plan meeting the
268 requirements of the Department of Environmental Protection, to
269 implement and maintain erosion and sedimentation control.
- 270 D. Applications for Permits shall be accompanied by a fee, payable to the municipality
271 based upon the estimated cost of the proposed construction as determined by the
272 Floodplain Administrator.

273 Section 3.05 Review of Application by Others

274 A copy of all plans and applications for any proposed construction or development in any
275 identified floodplain area to be considered for approval may be submitted by the Floodplain
276 Administrator to any other appropriate agencies and/or individuals (e.g. county planning
277 department, planning commission, municipal engineer, etc.) for review and comment.

278 Section 3.06 Changes

279 After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be
280 made to the application, permit or any of the plans, specifications or other documents submitted
281 with the application without the written consent or approval of the Floodplain Administrator.
282 Requests for any such change shall be in writing, and shall be submitted by the applicant to
283 Floodplain Administrator for consideration.

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284 Section 3.07 Placards

285 In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be
286 displayed on the premises during the time construction is in progress. This placard shall show
287 the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

288 Section 3.08 Start of Construction

289 Work on the proposed construction or development shall begin within 180 days after the date of
290 issuance of the development permit. Work shall also be completed within twelve (12) months
291 after the date of issuance of the permit or the permit shall expire unless a time extension is
292 granted, in writing, by the Floodplain Administrator. The issuance of development permit does
293 not refer to the zoning approval.

294
295 The actual start of construction means either the first placement of permanent construction of a
296 structure on a site, such as the pouring of slab or footings, the installation of piles, the
297 construction of columns, or any work beyond the stage of excavation; or the placement of a
298 manufacture home on a foundation. Permanent construction does not include land preparation,
299 such as clearing, grading, and filling; nor does it include the installation of streets and/or
300 walkways; nor does it include excavation for a basement, footings, piers, or foundations or the
301 erection of temporary forms; nor does it include the installation on the property of accessory
302 buildings, such as garages or sheds not occupied as dwelling units or not part of the main
303 structure. For a substantial improvement, the actual start of construction means the first,
304 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
305 alteration affects the external dimensions of the building.

306
307 Time extensions shall be granted only if a written request is submitted by the applicant, who sets
308 forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request
309 and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the
310 extension is granted.

311 Section 3.09 Enforcement

312 A. Notices

313
314 Whenever the Floodplain Administrator or other authorized municipal representative
315 determines that there are reasonable grounds to believe that there has been a violation of
316 any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the
317 Floodplain Administrator shall give notice of such alleged violation as hereinafter
318 provided. Such notice shall:

- 319 1. be in writing;
- 320 2. include a statement of the reasons for its issuance;
- 321 3. allow a reasonable time not to exceed a period of thirty (30) days for the
322 performance of any act it requires;
- 323 4. be served upon the property owner or his agent as the case may require;

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324 provided, however, that such notice or order shall be deemed to have been
325 properly served upon such owner or agent when a copy thereof has been
326 served with such notice by any other method authorized or required by the
327 laws of this State;

328 5. contain an outline of remedial actions which, if taken, will effect compliance
329 with the provisions of this Ordinance.

330 B. Penalties

331
332 Any person who fails to comply with any or all of the requirements or provisions of this
333 Ordinance or who fails or refuses to comply with any notice, order of direction of the
334 Floodplain Administrator or any other authorized employee of the municipality shall be
335 guilty of a summary offense and upon conviction shall pay a fine to Muncy Borough, of
336 not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00)
337 plus costs of prosecution. In addition to the above penalties all other actions are hereby
338 reserved including an action in equity for the proper enforcement of this Ordinance. The
339 imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance
340 shall not excuse the violation or noncompliance or permit it to continue. All such persons
341 shall be required to correct or remedy such violations and noncompliance within a
342 reasonable time. Any development initiated or any structure or building constructed,
343 reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may
344 be declared by the Council to be a public nuisance and abatable as such.

345 Section 3.10 Appeals

346 A. Any person aggrieved by any action or decision of the Floodplain Administrator
347 concerning the administration of the provisions of this Ordinance, may appeal to the
348 Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after
349 the decision, determination or action of the Floodplain Administrator.

350 B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in
351 accordance with the Municipal Planning Code and any other local ordinance.

352 C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief
353 therefrom by appeal to court, as provided by the laws of this State including the
354 Pennsylvania Flood Plain Management Act.

355

356 ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

357 Section 4.01 Identification

358 The identified floodplain area shall be:

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359 A. any areas of the Borough of Muncy, classified as Special Flood Hazard Areas (SFHAs)
360 in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps
361 (FIRMs) dated June 2, 2016, and issued by the Federal Emergency Management Agency
362 (FEMA) or the most recent revision thereof, including all digital data developed as part
363 of the Flood Insurance Study.

364
365 The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby
366 adopted by the Borough of Muncy and declared to be a part of this ordinance.

367 Section 4.02 Description and Special Requirements of Identified Floodplain Areas

368 The identified floodplain area shall consist of the following specific areas:

369 A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway
370 and which represent the channel of a watercourse and the adjacent land areas that must be
371 reserved in order to discharge the base flood without increasing the water surface
372 elevation by more than one (1) foot at any point. This term shall also include floodway
373 areas which have been identified in other available studies or sources of information for
374 those Special Flood Hazard Areas where no floodway has been identified in the FIS and
375 FIRM.

376 1. Within any floodway area, no encroachments, including fill, new construction,
377 substantial improvements, or other development shall be permitted unless it has
378 been demonstrated through hydrologic and hydraulic analysis performed in
379 accordance with standard engineering practice that the proposed encroachment
380 would not result in any increase in flood levels within the community during the
381 occurrence of the base flood discharge.

382 2. Within any floodway area, no new construction or development shall be allowed,
383 unless the appropriate permit is obtained from the Department of Environmental
384 Protection Regional Office.

385 B. The AE Area/ Flood Fringe District shall be those areas identified as an AE Zone on the
386 FIRM included in the FIS prepared by FEMA for which base flood elevations have been
387 provided.

388 1. The AE Area adjacent to the floodway shall be those areas identified as an AE
389 Zone on the FIRM included in the FIS prepared by FEMA for which base flood
390 elevations have been provided and a floodway has been delineated.

391
392 C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in
393 the FIS prepared by FEMA and for which no base flood elevations have been provided.
394 For these areas, elevation and floodway information from other Federal, State, or other
395 acceptable sources shall be used when available.

396
397 In lieu of the above, the municipality may require the applicant to determine the elevation
398 with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic
399 analyses shall be undertaken only by professional engineers or others of demonstrated

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400 qualifications, who shall certify that the technical methods used correctly reflect currently
401 accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in
402 sufficient detail to allow a thorough technical review by the municipality.

403 Section 4.03 Changes in Identification of Area

404 The Identified Floodplain Area may be revised or modified by the Borough of Muncy where
405 studies or information provided by a qualified agency or person documents the need for such
406 revision. However, prior to any such change to the Special Flood Hazard Area, approval must be
407 obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months
408 after the date such information becomes available, a community shall notify FEMA of the
409 changes to the Special Flood Hazard Area by submitting technical or scientific data. See 5.01 (B)
410 for situations where FEMA notification is required.

411 Section 4.04 Boundary Disputes

412 Should a dispute concerning any identified floodplain boundary arise, an initial determination
413 shall be made by the Borough of Muncy and any party aggrieved by this decision or
414 determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the
415 appellant.

416 Section 4.05 Jurisdictional Boundary Changes

417 Prior to development occurring in areas where annexation or other corporate boundary changes
418 are proposed or have occurred, the community shall review flood hazard data affecting the lands
419 subject to boundary changes. The community shall adopt and enforce floodplain regulations in
420 areas subject to annexation or corporate boundary changes which meet or exceed those in CFR
421 44 60.3.

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423 ARTICLE V. TECHNICAL PROVISIONS

424 Section 5.01 General

425 A. Alteration or Relocation of Watercourse

426 1. No encroachment, alteration, or improvement of any kind shall be made to any
427 watercourse until all adjacent municipalities which may be affected by such
428 action have been notified by the municipality, and until all required permits or
429 approvals have first been obtained from the Department of Environmental
430 Protection Regional Office.

431 2. No encroachment, alteration, or improvement of any kind shall be made to any
432 watercourse unless it can be shown that the activity will not reduce or impede the
433 flood carrying capacity of the watercourse in any way.

434 3. In addition, FEMA and the Pennsylvania Department of Community and
435 Economic Development, shall be notified prior to any alteration or relocation of
436 any watercourse.

437 B. When a community proposes to permit the following encroachments:

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- any development that causes a rise in the base flood elevations within the floodway; or
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- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
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- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

445 the applicant shall (as per 44 CFR Part 65.12):

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1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
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2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
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3. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
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460 C. Any new construction, development, uses or activities allowed within any identified
461 floodplain area shall be undertaken in strict compliance with the provisions contained in
462 this Ordinance and any other applicable codes, ordinances and regulations.

463 Section 5.02 Elevation and Floodproofing Requirements

464 465 A. Residential Structures

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1. In AE, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard.
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2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

477 B. Non-residential Structures

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1. In AE, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - 482 a. is floodproofed so that the structure is watertight with walls substantially
483 impermeable to the passage of water and,
 - 484 b. has structural components with the capability of resisting hydrostatic and
485 hydrodynamic loads and effects of buoyancy:
 - 486 2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any
487 new construction or substantial improvement shall have the lowest floor
488 (including basement) elevated or completely floodproofed up to, or above, the
489 regulatory flood elevation determined in accordance with Section 4.02.C of this
490 ordinance.
 - 491 3. Any non-residential structure, or part thereof, made watertight below the
492 regulatory flood elevation shall be floodproofed in accordance with the WI or W2
493 space classification standards contained in the publication entitled "Flood-
494 Proofing Regulations" published by the U.S. Army Corps of Engineers (June
495 1972, as amended March 1992) or with some other equivalent standard. All plans
496 and specifications for such floodproofing shall be accompanied by a statement
497 certified by a registered professional engineer or architect which states that the
498 proposed design and methods of construction are in conformance with the above
499 referenced standards.
 - 500 4. The design and construction standards and specifications contained in the 2009
501 International Building Code (IBC) and in the 2009 International Residential Code
502 (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code
503 (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

504 C. Space below the lowest floor

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1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - 511 2. Designs for meeting this requirement must either be certified by a registered
512 professional engineer or architect, or meet or exceed the following minimum
513 criteria:
 - 514 a. a minimum of two openings having a net total area of not less than one
515 (1) square inch for every square foot of enclosed space.

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516 b. the bottom of all openings shall be no higher than one (1) foot above
517 grade.

518 c. openings may be equipped with screens, louvers, or other coverings or
519 devices provided that they permit the automatic entry and exit of
520 floodwaters.

521 D. Historic Structures

522 Historic structures undergoing repair or rehabilitation that would constitute a substantial
523 improvement as defined in this ordinance, must comply with all ordinance requirements
524 that do not preclude the structure's continued designation as a historic structure.
525 Documentation that a specific ordinance requirement will cause removal of the structure
526 from the National Register of Historic Places or the State Inventory of Historic places
527 must be obtained from the Secretary of the Interior or the State Historic Preservation
528 Officer. Any exemption from ordinance requirements will be the minimum necessary to
529 preserve the historic character and design of the structure.
530

531 E. Accessory structures

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

534 1. the structure shall not be designed or used for human habitation, but shall be
535 limited to the parking of vehicles, or to the storage of tools, material, and
536 equipment related to the principal use or activity.

537 2. floor area shall not exceed 200 square feet.

538 3. The structure will have a low damage potential.

539 4. the structure will be located on the site so as to cause the least obstruction to the
540 flow of flood waters.

541 5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

542 6. permanently affixed utility equipment and appliances such as furnaces, heaters,
543 washers, dryers, etc. are prohibited.

544 7. sanitary facilities are prohibited.

545 8. the structure shall be adequately anchored to prevent flotation, collapse, and
546 lateral movement and shall be designed to automatically provide for the entry and
547 exit of floodwater for the purpose of equalizing hydrostatic forces on the walls.
548 Designs for meeting this requirement must either be certified by a registered
549 professional engineer or architect, or meet or exceed the following minimum
550 criteria:

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- 551 a. a minimum of two openings having a net total area of not less than one (1)
552 square inch for every square foot of enclosed space.
- 553 b. the bottom of all openings shall be no higher than one (1) foot above
554 grade.
- 555 c. openings may be equipped with screens, louvers, etc. or other coverings or
556 devices provided that they permit the automatic entry and exit of flood
557 waters.

558 Section 5.03 Design and Construction Standards

559 The following minimum standards shall apply for all construction and development proposed
560 within any identified floodplain area:

561 A. Fill 562

563 A. If fill is used, it shall:

- 564 a. extend laterally at least fifteen (15) feet beyond the building line from all
565 points;
- 566 b. consist of soil or small rock materials only - Sanitary Landfills shall not be
567 permitted;
- 568 c. be compacted to provide the necessary permeability and resistance to erosion,
569 scouring, or settling;
- 570 d. be no steeper than one (1) vertical to two (2) horizontal feet unless
571 substantiated data justifying steeper slopes are submitted to, and approved by
572 the Floodplain Administrator; and
- 573 e. be used to the extent to which it does not adversely affect adjacent properties.

574 B. Drainage Facilities

575 Storm drainage facilities shall be designed to convey the flow of storm water runoff in a
576 safe and efficient manner. The system shall ensure proper drainage along streets, and
577 provide positive drainage away from buildings. The system shall also be designed to
578 prevent the discharge of excess runoff onto adjacent properties.

579 C. Water and Sanitary Sewer Facilities and Systems

- 580 1. All new or replacement water supply and sanitary sewer facilities and systems
581 shall be located, designed and constructed to minimize or eliminate flood
582 damages and the infiltration of flood waters.
- 583 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of
584 untreated sewage into flood waters.

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585 3. No part of any on-site waste disposal system shall be located within any identified
586 floodplain area except in strict compliance with all State and local regulations for
587 such systems. If any such system is permitted, it shall be located so as to avoid
588 impairment to it, or contamination from it, during a flood.

589 4. The design and construction provisions of the UCC and FEMA #348, "Protecting
590 Building Utilities From Flood Damages" and "The International Private Sewage
591 Disposal Code" shall be utilized.

592 D. Other Utilities

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

596 E. Streets

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

599 F. Storage

600 All materials that are buoyant, flammable, explosive, or in times of flooding, could be
601 injurious to human, animal, or plant life, and not listed in Section 5.04, Development
602 Which May Endanger Human Life, shall be stored at or above the Regulatory Flood
603 Elevation or floodproofed to the maximum extent possible.

604 G. Placement of Buildings and Structures

605 All buildings and structures shall be designed, located, and constructed so as to offer the
606 minimum obstruction to the flow of water and shall be designed to have a minimum
607 effect upon the flow and height of flood water.

608 H. Anchoring

609 1. All buildings and structures shall be firmly anchored in accordance with accepted
610 engineering practices to prevent flotation, collapse, or lateral movement.

611 2. All air ducts, large pipes, storage tanks, and other similar objects or components
612 located below the regulatory flood elevation shall be securely anchored or affixed
613 to prevent flotation.

614 I. Floors, Walls and Ceilings

615 1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed
616 to accommodate a lateral expansion of the flooring, perpendicular to the flooring
617 grain without causing structural damage to the building.

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618 2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or
619 "water-resistant" variety.

620 3. Walls and ceilings at or below the regulatory flood elevation shall be designed
621 and constructed of materials that are "water-resistant" and will withstand
622 inundation.

623 4. Windows, doors, and other components at or below the regulatory flood elevation
624 shall be made of metal or other "water-resistant" material.

625 J. Paints and Adhesives

626 1. Paints and other finishes used at or below the regulatory flood elevation shall be
627 of "marine" or "water-resistant" quality.

628 2. Adhesives used at or below the regulatory flood elevation shall be of a "marine"
629 or "water-resistant" variety.

630 3. All wooden components (doors, trim, cabinets, etc.) used at or below the
631 regulatory flood elevation shall be finished with a "marine" or "water-resistant"
632 paint or other finishing material.

633 K. Electrical Components

634 1. Electrical distribution panels shall be at least three (3) feet above the base flood
635 elevation.

636 2. Separate electrical circuits shall serve lower levels and shall be dropped from
637 above.

638 L. Equipment

639 Water heaters, furnaces, air conditioning and ventilating units, and other electrical,
640 mechanical or utility equipment or apparatus shall not be located below the regulatory
641 flood elevation.

642 M. Fuel Supply Systems

643 All gas and oil supply systems shall be designed to prevent the infiltration of flood waters
644 into the system and discharges from the system into flood waters. Additional provisions
645 shall be made for the drainage of these systems in the event that flood water infiltration
646 occurs.

647 N. Uniform Construction Code Coordination

648 The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended
649 and not limited to the following provisions shall apply to the above and other sections
650 and sub-sections of this ordinance, to the extent that they are more restrictive and

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651 supplement the requirements of this ordinance.

652 International Building Code (IBC) 2009 or the latest edition thereof:
653 Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

654 International Residential Building Code (IRC) 2009 or the latest edition thereof:
655 Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

656 Section 5.04 Development Which May Endanger Human Life

657 Within any Identified Floodplain Area, any structure of the kind described in Subsection
658 A., below, shall be prohibited. If a variance is obtained in accordance with the criteria in
659 Article VIII, then the following provisions apply: (5.04 D, E, & F)

660 A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations
661 adopted by the Department of Community and Economic Development as required by the
662 Act, any new or substantially improved structure which:

- 663 1. will be used for the production or storage of any of the following dangerous
664 materials or substances; or,
- 665 2. will be used for any activity requiring the maintenance of a supply of more than
666 550 gallons, or other comparable volume, of any of the following dangerous
667 materials or substances on the premises; or,
- 668 3. will involve the production, storage, or use of any amount of radioactive
669 substances;

670 shall be subject to the provisions of this section, in addition to all other applicable
671 provisions. The following list of materials and substances are considered dangerous to
672 human life:

- 673
- 674 • Acetone
 - 675 • Ammonia
 - 676 • Benzene
 - 677 • Calcium carbide
 - 678 • Carbon disulfide
 - 679 • Celluloid
 - 680 • Chlorine
 - 681 • Hydrochloric acid
 - 682 • Hydrocyanic acid
 - 683 • Magnesium
 - 684 • Nitric acid and oxides of nitrogen
 - 685 • Petroleum products (gasoline, fuel oil, etc.)
 - 686 • Phosphorus
 - 687 • Potassium
 - 688 • Sodium

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- 689 • Sulphur and sulphur products
690 • Pesticides (including insecticides, fungicides, and rodenticides)
691 • Radioactive substances, insofar as such substances are not otherwise regulated.
692
693 B. Within any Floodway Area, any structure of the kind described in Subsection A., above,
694 shall be prohibited. Where permitted within any Identified Floodplain Area, any new or
695 substantially improved residential structure of the kind described in Section 5.04 (A),
696 above, shall be elevated to remain completely dry up to at least one and one half (1 ½)
697 feet above base flood elevation and built in accordance with Sections 5.01, 5.02 and 5.03.
- 698 C. Where permitted within any Identified Floodplain Area, any new or substantially
699 improved non-residential structure of the kind described in Section 5.04 (A) above, shall
700 be built in accordance with Sections 5.01, 5.02 and 5.03 including:
- 701 1. elevated, or designed and constructed to remain completely dry up to at least one
702 and one half (1 ½) feet above base flood elevation, and
- 703 2. designed to prevent pollution from the structure or activity during the course of a
704 base flood.
- 705 Any such structure, or part thereof, that will be built below the regulatory flood
706 elevation shall be designed and constructed in accordance with the standards for
707 completely dry floodproofing contained in the publication "Flood-Proofing
708 Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992),
709 or with some other equivalent watertight standard.

710 Section 5.05 Special Requirements for Subdivisions and Development

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

718 Section 5.06 Special Requirements for Manufactured Homes

- 719
- 720 A. For the purpose of this Article, the term mobile home shall also include park trailers,
721 travel trailers, recreational vehicles, and other similar types of manufactured homes
722 which are placed on a site for more than one-hundred eighty (180) consecutive days.
- 723 B. Where permitted within any Identified Floodplain Area, all manufactured homes, and any
724 improvements thereto, shall be:
- 725 1. placed on a permanent foundation;
- 726 2. elevated so that the bottom of the lowest floor of the manufactured home is at

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- 727 least one and one half (1 ½) feet above base flood elevation;
728 3. and anchored to resist flotation, collapse, or lateral movement.
729
730 4. and have all ductwork and utilities including HVAC/heat pump elevated to the
731 Regulatory Flood Elevation.
732

- 733 C. Installation of manufactured homes shall be done in accordance with the manufacturers'
734 installation instructions as provided by the manufacturer. Where the applicant cannot
735 provide the above information, the requirements of Appendix E of the 2009
736 "International Residential Building Code" or the "U.S. Department of Housing and
737 Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition,
738 draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- 739 D. Consideration shall be given to the installation requirements of the 2009 IBC, and the
740 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where
741 appropriate and/or applicable to units where the manufacturers' standards for anchoring
742 cannot be provided or were not established for the proposed unit(s) installation.

743 Section 5.07 Special Requirements for Recreational Vehicles

- 744 Recreational vehicles in Zones A and AE must either:
745
746 1. be on the site for fewer than 180 consecutive days, and
747 2. be fully licensed and ready for highway use,
748 or
749 3. meet the permit requirements for manufactured homes in Section 5.06.

750 751 ARTICLE VI. PROHIBITED ACTIVITIES

752 Section 6.01 General

753 In accordance with the administrative regulations promulgated by the Department of Community
754 and Economic Development to implement the Pennsylvania Flood Plain Management Act, the
755 following activities shall be prohibited within any Identified Floodplain Area:

- 756 A. The commencement of any of the following activities; or the construction, enlargement,
757 or expansion of any structure used, or intended to be used, for any of the following
758 activities:
- 759 1. Hospitals
760 2. Nursing homes

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761 3. Jails or prisons

762 B. The commencement of, or any construction of, a new manufactured home park or
763 manufactured home subdivision, or substantial improvement to an existing manufactured
764 home park or manufactured home subdivision.

765 ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

766 Section 7.01 Existing Structures

767 The provisions of this Ordinance do not require any changes or improvements to be made to
768 lawfully existing structures. However, when an improvement is made to any existing structure,
769 the provisions of Section 7.02 shall apply.

770 Section 7.02 Improvements

771 The following provisions shall apply whenever any improvement is made to an existing structure
772 located within any Identified Floodplain Area:

773 A. No expansion or enlargement of an existing structure shall be allowed within any
774 Floodway Area/District that would cause any increase in BFE.

775 B. No expansion or enlargement of an existing structure shall be allowed within AE
776 Area/District without floodway that would, together with all other existing and
777 anticipated development, increase the BFE more than one (1) foot at any point.

778 C. Any modification, alteration, reconstruction, or improvement of any kind to an existing
779 structure to an extent or amount of fifty (50) percent or more of its market value, shall
780 constitute a substantial improvement and shall be undertaken only in full compliance with
781 the provisions of this Ordinance.

782 D. The above activity shall also address the requirements of the 34 PA Code, as amended
783 and the 2009 IBC and the 2009 IRC.

784 E. Within any Floodway Area/District (See Section 4.02 A), no new construction or
785 development shall be allowed, unless the appropriate permit is obtained from the
786 Department of Environmental Protection Regional Office

787 F. Within any AE Area/District without Floodway (See Section 4.02 B), no new construction
788 or development shall be located within the area measured fifty (50) feet landward from
789 the top-of-bank of any watercourse, unless the appropriate permit is obtained from the
790 Department of Environmental Protection Regional Office.

791 ARTICLE VIII VARIANCES

792

793 Section 8.01 General

794 If compliance with any of the requirements of this Ordinance would result in an exceptional
795 hardship to a prospective builder, developer or landowner, the Borough of Muncy's Zoning

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796 Hearing board may, upon request, grant relief from the strict application of the requirements.

797

798 8.02 Variance Procedures and Conditions

799 Requests for variances shall be considered by the Zoning Hearing Board in accordance with the
800 procedures contained in Section 3.10 and the following:

801

802 A. No variance shall be granted for any construction, development, use, or activity within
803 any Floodway Area/District that would cause any increase in the BFE.

804 B. No variance shall be granted for any construction, development, use, or activity within
805 any AE Area/District without floodway that would, together with all other existing and
806 anticipated development, increase the BFE more than one (1) foot at any point.

807 C. Except for a possible modification of the regulatory flood elevation requirement
808 involved, no variance shall be granted for any of the other requirements pertaining
809 specifically to development regulated by Development Which May Endanger Human
810 Life (Section 5.04).

811 D. No variance shall be granted for Prohibited Activities (Article VI).

812 E. If granted, a variance shall involve only the least modification necessary to provide relief.

813 F. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable
814 conditions and safeguards it considers necessary in order to protect the public health,
815 safety, and welfare, and to achieve the objectives of this Ordinance.

816 G. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in
817 writing that:

818 1. The granting of the variance may result in increased premium rates for flood
819 insurance.

820 2. Such variances may increase the risks to life and property.

821 H. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a
822 minimum, the following:

823 1. That there is good and sufficient cause.

824 2. That failure to grant the variance would result in exceptional hardship to the
825 applicant.

826 3. That the granting of the variance will

827 a. neither result in an unacceptable or prohibited increase in flood heights,
828 additional threats to public safety, or extraordinary public expense,

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829 b. nor create nuisances, cause fraud on, or victimize the public, or conflict
830 with any other applicable state or local ordinances and regulations.

831 I. A complete record of all variance requests and related actions shall be maintained by the
832 Borough of Muncy. In addition, a report of all variances granted during the year shall be
833 included in the annual report to the FEMA.

834 Notwithstanding any of the above, however, all structures shall be designed and constructed so
835 as to have the capability of resisting the one-percent (1%) annual chance flood.

836

837

838 ARTICLE IX. DEFINITIONS

839 Section 9.01 General

840 Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted
841 so as to give this Ordinance its' most reasonable application.

842 Section 9.02 Specific Definitions

843 1. Accessory use or structure - a use or structure on the same lot with, and of a nature
844 customarily incidental and subordinate to, the principal use or structure.

845 2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any
846 given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

847 3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a
848 given location within a given time, usually expressed in cubic feet per second (cfs).

849 4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map
850 (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting
851 from a flood that has a 1-percent or greater chance of being equaled or exceeded in any
852 given year.

853 5. Basement - any area of the building having its floor below ground level on all sides.

854 6. Building - a combination of materials to form a permanent structure having walls and a
855 roof. Included shall be all manufactured homes and trailers to be used for human
856 habitation.

857 7. Development - any man-made change to improved or unimproved real estate, including
858 but not limited to the construction, reconstruction, renovation, repair, expansion, or
859 alteration of buildings or other structures; the placement of manufactured homes; streets,
860 and other paving; utilities; filling, grading and excavation; mining; dredging; drilling
861 operations; storage of equipment or materials; and the subdivision of land.

862 8. Existing manufactured home park or subdivision – a manufactured home park or
863 subdivision for which the construction of facilities for servicing the lots on which the
864 manufactured homes are to be affixed (including, at a minimum, the installation of

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865 utilities, the construction of streets, and either final site grading or the pouring of concrete
866 pads) is completed before the effective date of the floodplain management regulations
867 adopted by a community.

868 9. Expansion to an existing manufactured home park or subdivision – the preparation of
869 additional sites by the construction of facilities for servicing the lots on which the
870 manufactured homes are to be affixed (including the installation of utilities, the
871 construction of streets, and either final site grading or the pouring of concrete pads).

872 10. Flood - a temporary inundation of normally dry land areas.

873 11. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency
874 Management Agency has delineated both the areas of special flood hazards and the risk
875 premium zones applicable to the community.

876 12. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency
877 Management Agency that includes flood profiles, the Flood Insurance Rate Map, the
878 Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

879 13. Floodplain area - a relatively flat or low land area which is subject to partial or complete
880 inundation from an adjoining or nearby stream, river or watercourse; and/or any area
881 subject to the unusual and rapid accumulation of surface waters from any source.

882 14. Floodproofing - any combination of structural and nonstructural additions, changes, or
883 adjustments to structures which reduce or eliminate flood damage to real estate or
884 improved real property, water and sanitary facilities, structures and their contents.

885 15. Floodway - the channel of a river or other watercourse and the adjacent land areas that
886 must be reserved in order to discharge the base flood without cumulatively increasing the
887 water surface elevation more than one foot.

888 16. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to
889 construction next to the proposed walls of a structure.

890 17. Historic structures – any structure that is:

891 a. Listed individually in the National Register of Historic Places (a listing
892 maintained by the Department of Interior) or preliminarily determined by the
893 Secretary of the Interior as meeting the requirements for individual listing on the
894 National Register;

895 b. Certified or preliminarily determined by the Secretary of the Interior as
896 contributing to the historical significance of a registered historic district or a
897 district preliminarily determined by the Secretary to qualify as a registered
898 historic district;

899 c. Individually listed on a state inventory of historic places in states which have been
900 approved by the Secretary of the Interior; or

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- 901 d. Individually listed on a local inventory of historic places in communities with
902 historic preservation that have been certified either:
- 903 i. By an approved state program as determined by the Secretary of the
904 Interior or
- 905 ii. Directly by the Secretary of the Interior in states without approved
906 programs.
- 907 18. Identified Floodplain Area- This term is an umbrella term that includes all of the areas
908 within which the community has selected to enforce floodplain regulations. It will
909 always include the area identified as the Special Flood Hazard Area on the Flood
910 Insurance Rate Maps and Flood Insurance Study, but may include additional areas
911 identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas
912 the community has included in the Identified Floodplain Area.
- 913 19. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement).
914 An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles,
915 building access, and incidental storage, in an area other than a basement area is not
916 considered the lowest floor of a building, provided that such space is not designed and
917 built so that the structure is in violation of the applicable non-elevation design
918 requirements of this ordinance.
- 919 20. Manufactured home - a structure, transportable in one or more sections, which is built on
920 a permanent chassis, and is designed for use with or without a permanent foundation
921 when attached to the required utilities. The term includes park trailers, travel trailers,
922 recreational and other similar vehicles which are placed on a site for more than 180
923 consecutive days.
- 924 21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided
925 into two or more manufactured home lots for rent or sale.
- 926 22. New construction - structures for which the start of construction commenced on or after
927 June 2, 2016, and includes any subsequent improvements to such structures. Any
928 construction started after February 16, 1977, and before June 2, 2016, is subject to the
929 ordinance in effect at the time the permit was issued, provided the start of construction
930 was within 180 days of permit issuance.
- 931
- 932 23. New manufactured home park or subdivision – a manufactured home park or subdivision
933 for which the construction of facilities for servicing the lots on which the manufactured
934 homes are to be affixed (including at a minimum, the installation of utilities, the
935 construction of streets, and either final site grading or the pouring of concrete pads) is
936 completed on or after the effective date of floodplain management regulations adopted by
937 a community.
- 938 24. Person - an individual, partnership, public or private association or corporation, firm,
939 trust, estate, municipality, governmental unit, public utility or any other legal entity

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- 940 whatsoever, which is recognized by law as the subject of rights and duties.
- 941 25. Post-FIRM Structure - is a structure for which construction or substantial improvement
942 occurred after December 31, 1974 or on or after the community's initial Flood Insurance
943 Rate Map (FIRM) dated February 16, 1977, whichever is later, and, as such, would be
944 required to be compliant with the regulations of the National Flood Insurance Program.
- 945 26. Pre-FIRM Structure - is a structure for which construction or substantial improvement
946 occurred on or before December 31, 1974 or before the community's initial Flood
947 Insurance Rate Map (FIRM) dated February 16, 1977, whichever is later, and, as such,
948 would not be required to be compliant with the regulations of the National Flood
949 Insurance Program.
- 950 27. Recreational vehicle - a vehicle which is:
- 951 a. built on a single chassis;
- 952 b. not more than 400 square feet, measured at the largest horizontal projections;
- 953 c. designed to be self-propelled or permanently towable by a light-duty truck,
- 954 d. not designed for use as a permanent dwelling but as temporary living quarters for
955 recreational, camping, travel, or seasonal use.
- 956 28. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as
957 determined using simplified methods plus a freeboard safety factor of one and one-half (1
958 ½) feet.
- 959 29. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent
960 or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO,
961 A1-A30, AE, A99, or, AH.
- 962 30. Start of construction - includes substantial improvement and other proposed new
963 development and means the date the Permit was issued, provided the actual start of
964 construction, repair, reconstruction, rehabilitation, addition, placement, or other
965 improvement was within 180 days after the date of the permit and shall be completed
966 within twelve (12) months after the date of issuance of the permit unless a time extension
967 is granted, in writing, by the Floodplain Administrator. The actual start means either the
968 first placement of permanent construction of a structure on a site, such as the pouring of
969 slab or footings, the installation of piles, the construction of columns, or any work
970 beyond the stage of excavation; or the placement of a manufacture home on a foundation.
971 Permanent construction does not include land preparation, such as clearing, grading, and
972 filling; nor does it include the installation of streets and walkways; nor does it include
973 excavation for a basement, footings, piers, or foundations or the erection of temporary
974 forms; nor does it include the installation on the property of accessory buildings, such as
975 garages or sheds not occupied as dwelling units or not part of the main structure. For a
976 substantial improvement, the actual start of construction means the first alteration of any
977 wall, ceiling, floor, or other structural part of a building, whether or not that alteration

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- 978 affects the external dimensions of the building.
- 979 31. Structure – a walled and roofed building, including a gas or liquid storage tank that is
980 principally above ground, as well as a manufactured home.
- 981 32. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into
982 two or more lots, tracts, parcels or other divisions of land including changes in existing
983 lot lines for the purpose, whether immediate or future, of lease, partition by the court for
984 distribution to heirs, or devisees, transfer of ownership or building or lot development:
985 Provided, however, that the subdivision by lease of land for agricultural purposes into
986 parcels of more than ten acres, not involving any new street or easement of access or any
987 residential dwelling, shall be exempted.
- 988 33. Substantial damage - damage from any cause sustained by a structure whereby the cost of
989 restoring the structure to its before-damaged condition would equal or exceed fifty (50)
990 percent or more of the market value of the structure before the damage occurred.
- 991 34. Substantial improvement - any reconstruction, rehabilitation, addition, or other
992 improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the
993 market value of the structure before the "start of construction" of the improvement. This
994 term includes structures which have incurred "substantial damage" regardless of the
995 actual repair work performed. The term does not, however, include any project for
996 improvement of a structure to correct existing violations of state or local health, sanitary,
997 or safety code specifications which have been identified by the local code enforcement
998 official and which are the minimum necessary to assure safe living conditions.
- 999 35. Uniform Construction Code (UCC) – The statewide building code adopted by The
1000 Pennsylvania General Assembly in 1999 applicable to new construction in all
1001 municipalities whether administered by the municipality, a third party or the Department
1002 of Labor and Industry. Applicable to residential and commercial buildings, The Code
1003 adopted The International Residential Code (IRC) and the International Building Code
1004 (IBC), by reference, as the construction standard applicable with the State floodplain
1005 construction. For coordination purposes, references to the above are made specifically to
1006 various sections of the IRC and the IBC.
- 1007 36. Variance- A grant of relief by a community from the terms of a floodplain management
1008 regulation.
- 1009 37. Violation - means the failure of a structure or other development to be fully compliant
1010 with the community's floodplain management regulations. A structure or other
1011 development without the elevation certificate, other certifications, or other evidence of
1012 compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)
1013 is presumed to be in violation until such time as that documentation is provided.

1014

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1015 ARTICLE X. ENACTMENT

1016 Section 10.01 Adoption

1017 This Ordinance shall be effective on June 2, 2016 and shall remain in force until modified,
1018 amended or rescinded by Borough of Muncy, Lycoming County, Pennsylvania.

1019
1020 ENACTED AND ADOPTED by the Muncy Borough Council this ____ day of _____,
1021 _____.
1022
1023

1024 ATTEST: COUNCIL OF THE BOROUGH OF MUNCY

1025
1026
1027 _____ By: _____
1028 Borough of Muncy Secretary Borough Council President
1029

1030
1031 APPROVED, this ____ day of _____, _____, by the Mayor of the Borough of Muncy
1032

1033 ATTEST:
1034
1035
1036 _____
1037 Borough of Muncy Secretary Mayor
1038

1039
1040
1041