

SHAMOKIN TOWNSHIP BOARD OF SUPERVISORS

ORDINANCE NO. 81-2

AS AMENDED

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, ALTERATION OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS, SETTING FORTH CERTAIN MINIMUM BUILDING REQUIREMENTS WITHIN AREAS OF THE TOWNSHIP OF SHAMOKIN WHICH ARE SUBJECT TO FLOODING; AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Supervisors of Shamokin Township in regular meeting assembled, and it is hereby ordained and enacted by and with the authority of the same:

ARTICLE I GENERAL PROVISIONS

Section 1.00 Intent

A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the development, construction, reconstruction, enlargement, alteration or relocation of any building or structure unless an approved Building Permit has been obtained from the Shamokin Township Building Permit Officer.

B. A Building Permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

C. It is the intent of this Ordinance to promote the general health, welfare and safety of the community by encouraging the utilization of appropriate construction practices in order to

prevent or minimize flood damage in the future. In connection therewith this Ordinance seeks to minimize danger to public health by protecting water supply and natural drainage and reduce the financial burdens imposed on the community as a result of excessive development in areas subject to flooding.

Section 1.01 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.02 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based upon accepted engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes. This Ordinance does not imply that areas outside any identified flood plan area, or that land uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Township Of Shamokin or any officer and employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II. DEFINITIONS

Section 2.00 General

Unless specifically defined below, words and phrases

used in this Ordinance shall be given their normal meaning and shall be interpreted so as to give this Ordinance its most reasonable application.

Section 2.01 Specific Definitions

A. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

B. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

C. Development - any manmade changes to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

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

E. Flood-proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage.

F. One hundred year flood - a flood, on the average, that is likely to occur once every one hundred (100) years.

G. Regulatory flood elevation - the one hundred (100) year flood elevation plus the freeboard safety factor of one and one-half (1 1/2) feet.

H. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and any new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

I. Structure - a combination of materials to form anything permanently affixed to or in the ground or to any other building or structure permanently affixed to or in the ground. Included shall be such things as driveways, carports, porches, swimming pools, etc.

J. Mobile Home - means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

K. Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.

L. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including

changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

### ARTICLE III ADMINISTRATION

#### Section 3.00 Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any area of the Township of Shamokin, Northumberland County, Pennsylvania.

#### Section 3.01 Application Procedures and Requirements

A. Application for such a Building Permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township of Shamokin. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost.
7. A plan of the site showing the exact size and location of the proposed construction as well as and existing buildings or structures.

B. If any proposed construction or development is located

entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

C. Applicants seeking to construct or development within an area located entirely or partially within any identified floodplain area shall file the following minimum information, plus any other pertinent information as may be required by the Building Permit Officer to enable said Officer to make his determination:

1. A completed Building Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
  - c. all property and lot lines including dimensions, and size of the site expressed in acres or square feet;
  - d. the location of all existing streets, drives, other accessways, and parking areas, with

information concerning widths, pavement types and construction and elevations;

- e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
- f. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
- b. the elevation of the one hundred (100) year flood; and
- c. detailed information concerning any proposed floodproofing measures.

4. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

D. In addition to the foregoing, applicants for Special Permits shall provide the following items:

1. Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;

2. The elevation of the lowest floor (including the basement) and, as required, the elevation of any other floor;

3. Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way, and pavement widths;

4. Profile drawings of all proposed streets, drives, and vehicular accessways including existing and proposed grades;

5. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities;

6. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution which might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effect said pollution may have on human life;

7. A statement, certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) flood elevation and the effects such materials and debris may have; on one hundred (100) year flood elevations and flows;

8. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of the one hundred (100) year flood.

9. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood.

10. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

11. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows:

12. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development".

13. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control.

14. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166.

Section 3.02 Issuance of permit

A. The Building Permit Officer shall issue a Building 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. For recordation and tax purposes, one copy of each permit and site drawing shall be transmitted to the Northumberland County Assessor's Office.

B. Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary government permits such as those required by State and Federal laws have been obtained, such as those required by Act 537, the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.

C. No encroachment, alteration, or improvement of any kind, shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township of Shamokin, and until all required permits and approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to

any alteration or relocation of any watercourse.

Section 3.03 Review of Application by Others

A copy of all applications and plans for any proposed construction or development in any identified flood plan area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a Building Permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval maybe submitted by the Building Permit Officer to any other appropriate agencies and/or individuals for review and comment.

Section 3.04 Permit Changes

After the issuance of a Building Permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the prior written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the Building Permit Officer for consideration.

Section 3.05 Placards

In addition to the Building Permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This

placard shall show the number of the Building Permit, the date of its issuance and be signed by the Building Permit Officer.

#### Section 3.06 Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the Building Permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; or the installation of sewer, gas, and water pipes, or electric or other service lines from the street.

#### Section 3.07 Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Shamokin Township laws and ordinances. In the event that the Building Permit Officer 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 any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

Section 3.08 Fees

Application for a building permit shall be accompanied by a fee, payable to the Township of Shamokin based upon the estimated cost of the proposed construction as determined by the Building Permit Office at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$ 0.00 to \$ 200.00	\$ 0.00
\$ 201.00 to \$1,000.00	\$ 5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	\$ 1.00

Section 3.09 Enforcement

A. Appeals

Any person aggrieved by the Building Permit Officer's assessment of the proposed construction may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after determination by the Building Permit Officer. Upon receipt of such appeal, the Township of Shamokin, shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given. The decision of the Board of Supervisors shall be final in all cases.

## B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Township of Shamokin shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of Shamokin of not less than Twenty-Five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars plus costs of prosecution. In default of such payment, such persons shall be imprisoned in the County Prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for an violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building constructed, or reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

## ARTICLE IV IDENTIFICATION OF FLOODPLAIN AREAS

### Section 4.00 Identification

The identified floodplain areas shall be in the area of

the Township of Shamokin, Northumberland County, Pennsylvania, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Insurance Administration dated December 11, 1981.

Section 4.01 Determination of the One Hundred (100) Year Flood Elevation

For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as a basis for regulation. To determine the one hundred (100) year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in questions will be used. In helping the Building Permit Officer make this necessary elevation determination all sources of data available shall be used. In lieu thereof, the municipality may require the applicant to submit studies, analyses, computations, etc., in sufficient detail to allow a thorough technical review by the Township of Shamokin.

Section 4.02 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Section 4.03 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the

Township of Shamokin Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

#### ARTICLE V GENERAL TECHNICAL REQUIREMENTS

##### Section 5.00 General

A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

B. Within any identified floodplain area no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

C. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential or non-residential structure shall be one and one-half (1 1/2) feet or more above the one hundred (100) year flood elevation.

D. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved, non-residential structure shall be one and one-half (1 1/2) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this article. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

Section 5.01 Design and Construction Standard

The following minimum standard shall apply for all construction and development purposed within any identified floodplain area:

A. Fill

If fill is used, it shall extend laterally at least fifteen (15) feet beyond the building line from all points and consist of soil and small rock materials only. Said soil and small rock materials shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling and shall be no steeper than one (1) vertical to two (2) horizontal unless approved by the Building Permit Officer. In all cases fill shall be used as not to adversely affect the adjacent properties.

B. Drainage Facilities

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

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

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

D. Other Utilities

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

E. Placement of Streets, Buildings and Structures

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

F. Anchoring

All buildings and structures, as well as air ducts, large pipes, storage tanks, and other similar objects or components

shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

G. Floors, Walls and Ceilings

All floors, walls and ceilings used at or below the regulatory elevation shall be installed to accommodate a lateral extension without causing structural damage to the building. They shall be designed and constructed of materials which are water resistant and will withstand inundation.

H. Electrical Components

Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.

I. Equipment and Fuel Supply Systems

Water heaters, furnaces, air conditioning and ventilating units, gas and oil supply systems, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation, unless they are designed to prevent the infiltration of flood waters into said system and discharges from said system into flood waters.

Section 5.02 Development Which May Endanger Human Life

A. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances of which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous

materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel, oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Where permitted within any identified floodplain area, any new or substantial improved structure of the kind described in Subsection A above shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and,
2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designated and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972)", or

some other equivalent watertight standard.

Section 5.03 Special Requirements for Mobile Homes

A. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

1. anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

a. over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

b. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

c. all components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

2. elevated in accordance with the following requirements:

a. the stands or lots shall be elevated on

compacted fill, or on pilings so that the lowest floor of the mobile home shall be one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.

- b. adequate surface drainage is provided.
- c. adequate access for a hauler is provided.

#### ARTICLE VI ACTIVITIES REQUIRING SPECIAL PERMITS

##### Section 6.00 General

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified flood plain area unless a Special Permit is issued;

- A. hospitals (public or private)
- B. nursing homes (public or private)
- C. jails or prisons
- D. new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

##### Section 6.01 Application Review Procedure

Upon receipt of an application for a Special Permit by the Township of Shamokin, the following procedures shall apply in addition to those of Article III:

- A. within three (3) working days following the receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its

review and recommendations. Copies of the application shall also be forwarded to the Township of Shamokin Planning Commission and the Township of Shamokin Engineer for review and comment.

B. If an application is received that is incomplete, the Township of Shamokin shall notify the applicant in writing, stating in what respects the application is deficient.

C. If the Township of Shamokin decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township of Shamokin approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township of Shamokin shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of Shamokin.

F. If the Township of Shamokin does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township of Shamokin and the applicant, in writing, of the reasons for the

disapproval, and the Township of Shamokin shall not issue the Special Permit.

Section 6.02 Special Technical Requirements

A. In addition to the requirements of Article V of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article V or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that that structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

a. the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

b. the lowest floor elevation will be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated

at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

## ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

### Section 7.00 General

Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue to remain, provided that:

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

## ARTICLE VIII VARIANCES

### Section 8.00 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder,

developer or landowner, the Township of Shamokin may, upon request, grant relief from the strict application of the requirements.

Section 8.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of Shamokin in accordance with the procedures contained in this ordinance and the following:

1. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article VI) or to the Development Which May Endanger Human Life (Section 5.02).

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

3. In granting any variance, the Township of Shamokin, shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

4. Whenever a variance is granted, the Township of Shamokin shall notify the applicant in writing that:

a. the granting of the variance may result in increased premium rates for flood insurance.

b. such variances may increase the risks of life and property.

5. In reviewing any request for a variance, the Township of Shamokin shall consider, at a minimum, the following:

- a. that there is good and sufficient cause.
- b. that failure to grant the variance would result in exceptional hardship to the applicant.
- c. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

6. A complete record of all variance requests and related actions shall be maintained by the Township of Shamokin. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

#### ARTICLE IX SEVERABILITY CLAUSE

If any section, subsection, sentence clause or portion of this Ordinance is for any reason held invalid by any Court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

All Ordinances or parts of Ordinances inconsistent herewith

are expressly repealed.

ORDAINED AND ENACTED this 2nd day of December , 1981.

TOWNSHIP OF SHAMOKIN

/s/ Robert Ammerman  
Chairman

/s/ Francis McGrath  
Member

ATTEST:

/s/ Glen Henninger  
Secretary