

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 municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Township of Rush of not less than Twenty-five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in 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 any 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 noncompliances within a reasonable time. Any development initiated or any structure or building constructed, 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.

Section 2.11 Appeals

- A. Any person aggrieved by an action or decision of the Building Permit Officer, refusing to grant a modification to the provisions of this Ordinance covering the development of land or the manner of construction or materials to be used in the erection, alteration, modification, etc. of a building or structure, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.
- B. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

- C. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including The Pennsylvania Floodplain Management Act.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Identification

The identified floodplain area shall be any area of Rush Township, 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 November 22, 1974.

Section 3.01 Determination of the Regulatory Flood Elevation

For the purposes of this Ordinance, the regulatory flood elevation, i.e. the one hundred (100) year flood elevation shall be used. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as:

- A. Corps of Engineers - Flood Plain Information Reports
- B. U.S. Geological Survey - Flood Prone Quadrangles
- C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information
- D. Pennsylvania Department of Environmental Resources - Flood Contro. Investigations
- E. Known Highwater Marks from Past Floods
- F. Other sources

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and

hydraulic engineering techniques. 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 of Rush.

Section 3.02 Changes in Identification of Area

The delineation of any of the identified floodplain area may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of Rush 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 IV GENERAL TECHNICAL REQUIREMENTS

Section 4.00 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 adheres to 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 improved residential structures shall be one and one-half ($1\frac{1}{2}$) 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 non-residential structures shall be one and one-half ($1\frac{1}{2}$) 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 4.01 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain area:

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
5. be used to the extent to which it does not adversely affect 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. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

D. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

E. Streets

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

F. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in an identified floodplain area should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 4.03, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

H. Placement of Buildings and Structures

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.

I. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

J. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

K. Paints and Adhesives

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or water-resistant quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant paint or other finishing material.
3. All wooden components shall be finished with a "marine" or water-resistant paint or other finishing material.

L. Electrical Systems and Components

1. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. Electrical distribution panels shall be at least three (3) feet above the one hundred (100 year flood elevation).

3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. No part of any on-site sewage disposal system shall be located within any identified flood-plain area.
3. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
4. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 4.02 Development Which May Endanger Human Life

- A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or 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 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. Within any identified floodplain area, any new or substantially improved structure of the kind described in Section A. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Section A. above shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one-half ($1\frac{1}{2}$) 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 designed 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 with some other equivalent watertight standard.

Section 4.03 Special Requirements for Mobile Homes

A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

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

60-3 →

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 (4800) pounds.