

2. All mobile homes and any additions thereto shall also be 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 will be at or above the elevation of the Regulatory Flood.
  - b. adequate surface drainage is provided.
  - c. adequate access for a hauler is provided.
  - d. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township of Rush officials for mobile home parks.

## ARTICLE V ACTIVITIES REQUIRING SPECIAL PERMITS

### Section 5.00 General

In accordance with the Department of Community Affairs' administrative regulations implementing the Pennsylvania Floodplain Management Act, (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain 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 such existing parks and development.



Section 5.01 Special Permit Application Requirements

Application for a Special Permit shall consist of at least 5 copies of the following items:

- A. A written request which includes the information specified in Section 2.02, pertaining to building permit application procedures.
- B. The following documentation:
  - 1. certification from the applicant that the site upon which the activity or development is proposed is an existing and single parcel, owned by the applicant or the client he represents;
  - 2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
  - 3. 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 that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life;
  - 4. a statement certified by a registered professional engineer, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
  - 5. 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 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows;

6. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

#### Section 5.02 Application Review Procedures

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

- A. Within three (3) working days following 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 Rush Planning Commission and Township of Rush Engineer for review and comment.
- B. If an application is received that is incomplete, the Township of Rush shall notify the applicant in writing, stating in what respects the application is deficient.
- C. If the Township of Rush decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of Rush 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 Rush 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 Rush.



- F. If the Township of Rush 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 Rush and the applicant, in writing, of the reasons for the disapproval, and the Township of Rush shall not issue the Special Permit.

Section 5.03 Special Technical Requirements

- A. In addition to the requirements of Article IV 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 IV of this Ordinance 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 the 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 first floor elevation will be at least one and one-half (1½) 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 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 of Rush and the Department of Community Affairs.

#### ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Structures existing in any identified floodplain area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, 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) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

#### ARTICLE VII VARIANCES

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 Rush may, upon request, grant relief from the strict application of the requirements.



Requests for variances shall be considered by the Township of Rush in accordance with the procedures contained in Section 2.11 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 (Art. V) or to Development Which May Endanger Human Life (Sec. 4.02).
2. If granted, a variance shall involve only the least modification necessary to provide relief.
3. In granting any variance, the Township of Rush 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 Rush 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 to life and property.
5. In reviewing any request for a variance, the Township of Rush 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 extra-ordinary 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 Rush. 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 VIII DEFINITIONS

### Section 8.00 General

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

### Section 8.01 Specific Definitions

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. 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.
- C. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.



- D. Development - any man-made change 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.
- E. Flood - a temporary inundation of normally dry land areas.
- F. 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 waters from any source.
- G. Flood-proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- H. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- I. 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.

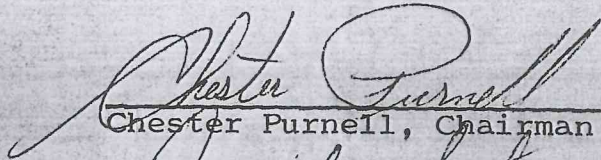


- J. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.
- K. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or mater in, along, across, or projecting into any channel, watercourse, or floodprone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
- L. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
- M. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half ( $1\frac{1}{2}$ ) feet.
- N. Special permit - a special approval which is required for hospitals, nursing homes, jails, and 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.
- O. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.
- P. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division 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;

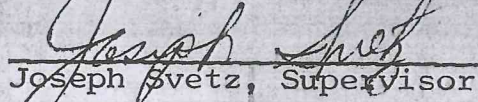


provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

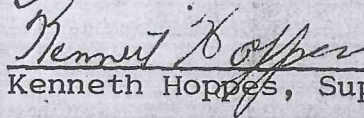
THIS ORDINANCE having been duly advertised and considered, it is hereby accepted and enacted into the law of Rush Township, Schuylkill County, Pennsylvania, this 4th day of June, 1981.



Chester Purnell, Chairman



Joseph Svetz, Supervisor



Kenneth Hoppes, Supervisor