

CITY OF WILLIAMSPORT, PA

FILE OF CITY COUNCIL

BILL No. 1620-14

SESSION OF 2014

Approved on first reading

Members of City Council:

Approved on final reading

This day 23rd of Jan 2014

This day 6th of Feb 2014

HALL WILLIAMSON ALLISON
SMITH MIELE KATZ NOVIELLO

AN ORDINANCE

6253

AN ORDINANCE OF THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, PA
AMENDING PART THIRTEEN OF THE CODIFIED ORDINANCES, CITY OF
WILLIAMSPORT PROVIDING FOR FLOODPLAIN REGULATIONS.

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 City of Williamsport does hereby order as follows.

Section 1

Article 1311. DEFINITIONS: is hereby amended to:

(Insert the following new definitions)

BASE FLOOD: A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the 100-year flood or one percent (1%) annual chance flood.

BASE FLOOD DISCHARGE: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

ELEVATION CERTIFICATE: A certificate prepared by a registered professional engineer, land surveyor, or architect that certifies the precise elevation of the first floor, including basement, of a building or enclosed structure situated within an identified floodplain area, used for the purpose of determining compliance with the terms of this Chapter and the appropriate rate to apply to an application for flood insurance.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR SUBDIVISION: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOOD PROOFING: Any combination of structural and nonstructural 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.

NEW MOBILE HOME PARK OR SUBDIVISION: A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, either final site grading or the pouring of concrete pads) was completed on or after the effective date of these floodplain management regulations adopted by a community.
May 10, 1977, the effective date of the City's first floodplain management Ordinance.

PERSON: an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE: A structure for which construction or substantial improvements occurred after December 1, 1977, the effective date of the City's initial Flood Insurance Rate Map (FIRM), and, as such, is required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE: A structure for which construction or substantial improvements occurred on or after December 1, 1977, the effective date of the City's first floodplain management Ordinance, and, as such, is not required to be compliant with the regulations of the National Flood Insurance Program.

REPETITIVE LOSS: flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

SPECIAL PERMIT: a special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain.

SPECIAL FLOOD HAZARD AREA (SFHA): An area of the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or A 1-30.

START OF CONSTRUCTION: For floodplain management purposes, "start of construction" includes substantial improvements and other proposed new development and means the date that the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

UNIFORM CONSTRUCTION CODE: The Statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Pennsylvania Department of Labor and Industry. Applicable to residential and

commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) of 2003 (or the latest edition thereof) by reference as the standard applicable to construction within the Commonwealth, including floodplain construction.

VIOLATION: means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(adjust the following existing definitions)

BASEMENT: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story herein.

FLOOD: see base flood

FLOODWAY: The channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

MOBIL/MANUFACTURED HOME: - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOMEPARK OR SUBDIVISION: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after December 1, 1977 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

REGULATORY FLOOD ELEVATION: The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor and one and one-half (1 ½) feet.

STRUCTURE: – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Section 2

Article 1332.05 WARNING AND DISCLAIMER OF LIABILITY is hereby replaced as follows:

The degree of flood protection sought by the provisions of this Article is considered reasonable for the regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice-jams and bridge opening restricted by debris. This Article does not imply that areas will be free from flooding or flood damages.

This Article shall not create liability on the part of the City of Williamsport or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereof.

Section 3

Article 1332.06 ESTABLISHMENT OF FLOODPLAIN DISTRICTS is hereby replaced as follows:

The identified floodplain districts shall be those areas of the City of Williamsport classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated February 5, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

1. The above-referenced FIS and FIRMs, and any subsequent revisions are hereby adopted by the City of Williamsport and made part of this Article.

The identified floodplain area shall be overlays to the existing underlying district as shown on the official zoning ordinance map. As such, the provisions of the floodplain district shall serve as a supplement to the underlying district provisions. Where this happens to be a conflict between the provisions or requirements for the floodplain districts and those of any overlying district, the most restrictive provisions pertaining to the floodplain shall apply. The basis for this district shall be as follows:

A. The floodway district identified as a FW Zone on the FIRM included in the FIS prepared by FEMA represents the channel of a watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas that have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS.

B. The AE district without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no flood way has been delineated.

C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one percent (1%) annual chance flood elevations have been provided. The City shall for these areas, elevation and floodway information accept the sources from Federal, State, or other acceptable sources available. Where other acceptable information is not available, the base flood elevations shall be determined by using the elevation point on the boundary of the identified floodplain area which is nearest the site in question.

Section 4

Article 1332.08 DISTRICT BOUNDARY CHANGES is replaced as follows:

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

Section 5

Article 1332.09 DISTRICT PROVISIONS is replaced as follows:

All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Article and with all other applicable City codes and ordinances such as the Building and Housing Codes, and the Planning and Zoning Code.

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

(a) With any FW (Floodway Area), the following provisions apply:

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

(2) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection's Regional Office.

(3) In no case shall mobile homes be permitted in the floodway district.

Section 6

Article 1332.11 (b) SPECIAL EXCEPTIONS AND VARIANCES is replaced as follows:

Variance Factors to be Considered:

In passing upon application for a variance within any floodplain districts, the Zoning Hearing Board shall consider all factors specified in other Sections of this Article, state law relatives to variances, and the following:

(1) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Registrar of Historic Places or State Inventory of Historic Places provided that the proposed replace or rehabilitation will not preclude the structure's continued designation as an historic structure and that variance is the minimum necessary to preserve historic character and design of the structure.

(2) No variance shall be granted for any construction, development, use or activity within any Floodway area/District that would cause any increase in Base Flood Elevation (BFE).

(3) No variance shall be granted for any construction, development, use or activity within an AE Zone without floodway that would, together with all other existing and anticipated developments, increase the BFE more than one (1) foot at any point.

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

(5) In granting a variance the City's Zoning Hearing board may attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this ordinance.

(6) Whenever a variance is granted, the City's Zoning hearing board shall notify the applicant in writing that:

a) The granting of a variance may result in the increased premium rates for flood insurance; and

b) Such variance may increase the risk to life and property.

(7) In reviewing any request for a variance, the City's Zoning Hearing Board 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 for the applicant; and

c) That granting of the variance will: 1) neither result in unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor to create nuisances, cause fraud on, victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(8) A complete record of all variances and related actions shall be maintained by the City. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

Section 7

Article 1332.13 MATERIAL & SUBSTANCES CONSIDERED DANGEROUS

TO HUMAN LIFE is replaced as follows:

- (a) The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Article, or any other ordinance, code or regulation.
- (b) In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
 - (1) Will be used for the production or storage of any of the following dangerous materials or substances; or
 - (2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
 - (3) Will involve the production, storage or use of any amount of radioactive substances. Shall be subject to the provisions of this Section, in addition to all other applicable provisions.
- (c) The following list of materials and substances are considered dangerous to human life:
 - (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
- (d) Within any floodway district/floodway area any structure of the kind described in subsection (b) hereof, shall be prohibited.
- (e) Where permitted within any flood-fringe district or general floodplain district, any residential structure of the kind described in subsection (b) hereof, shall be:
 - (1) Elevated or designed and constructed to remain completely dry up to at

least 1 1/2 feet above the 100-year flood.

(f) Where permitted within any Identified Floodplain Area, any new or substantially Improved non-residential structure of any kind described in subsection (b) hereof Shall be:

(1) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the 100-year flood.

(2) Designed to prevent pollution from the structure or activity during the course of a 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.

(g) Except for possible modification of the freeboard requirements involved, no variance shall be granted for any of the requirements of this Section or Section 1332.11(b).

Section 8

Article 1332.15 ADMINISTRATION/ISSUANCE OF BUILDING PERMIT.

(add the following)

(d) Designation of the Floodplain Administrator

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

(e) In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Mayor.

(f) Floodplain records must be kept in perpetuity by the floodplain administrator.

Section 9

1332.16 APPLICATION PROCEDURES AND REQUIREMENTS.

(amend as follows)

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

(a) Name and address of applicant.

- (b) Name and address of owner of land on which proposed construction is to occupy.
 - (c) Name and address of contractor.
 - (d) Site location.
 - (e) Listing of other permits required.
 - (f) Brief description of proposed work and estimated cost.
 - (g) A plan of the site showing the exact size and location of the proposed construction as well as any 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:
- (a) 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;
 - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (d) structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (e) building materials are flood-resistant;
 - (f) appropriate practices that minimize flood damage have been used; and
 - (g) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above 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. Topographic contour lines, if available;
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - e. The location of all existing streets, drives, and other access ways; and
 - f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and 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 1988;
 - b. The elevation of the base flood;
 - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - d. Detailed information concerning any proposed flood proofing measures.
4. The following data and documentation:
- a. 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 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 flood proofing measures which have been incorporated into the design of the structure and/or the development.

C. Permits will be required for all proposed construction and other development within SFHAs on the FIRM.

Section 10

Article 1332.17(b) SPECIAL REQUIREMENTS FOR AE

(replace the following)

- B. Within FA (General Floodplain Area), the following provisions apply:
- 1. 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 Protection's Regional Office.
 - 2. Any new construction or development, that would cause any increase in flood heights, shall be prohibited within any floodway area.
 - 3. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

Section 11

Article 1332.18(C2) ELEVATIONS AND FLOOD PROOFING REQUIREMENTS.

(change the following)

- C. Space below the lowest floor . . .
- 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.

2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a). a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b). the bottom of all openings shall be no higher than one (1) foot above grade.
 - c) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 12

Article 1332.20 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES & SUBDIVISION & DEVELOPMENTS

(replace the following)

- A. Within any FW (Floodway Area) and FA (General Floodplain Area), manufactured homes shall be prohibited.
- B. Any replacement of manufactured homes within any floodplain area, and any improvements thereto, shall be:
 1. Placed on a permanent foundation.
 2. Elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the base flood.
 3. Anchored to resist flotation, collapse, or lateral movement.
- C. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 13

Article 1332 of Part Thirteen, Title Five is hereby amended as follows:

(add the following)

1332.21 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining

portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

1332.22 SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLES.

Recreational vehicles in Zones A, A1-30, AH and AE must either:

1. be on the site for fewer than 180 consecutive days, and
2. be fully licensed and ready for highway use, or
3. meet the permit requirements for manufactured homes in 1332.20

Section 14

Abrogation and Greater Restrictions

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

Section 15

This Ordinance shall become effective 20 days after final enactment.

This Ordinance approved/vetoed this 6th day of Feb, 2014.

ATTEST:

Jessie Frank
City Clerk

Armin Hall
President, City Council

Costa Campan
Mayor

Ordinance No. 6253

Date 2-6-14