

EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE EAST NORRITON TOWNSHIP BUILDING CODE (ORDINANCE NO. 49) PROVIDING FOR CONFORMANCE WITH SECTION 1910.3d, FEDERAL FLOOD INDURANCE PROGRAM.

ARTICLE II

PART I - FLOOD DAMAGE CONTROL REGULATIONS

In order to prevent excessive damage to buildings and structures due to flooding conditions, the following provisions shall apply to all proposed construction or development occurring in the FP - Flood Plain Conservation District designated in the East Norriton Township Zoning Ordinance as amended.

Section 1.1 Residential Structure

- A. All new construction and substantial improvements of structures shall have the lowest floor (including basement) elevated to at least one and one-half (1-1/2) feet above the Base Flood Elevation.
- 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 Base Flood Elevation.
- C. Existing structures located in a designated floodway shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

Section 1.2 Non-Residential Structure

- A. All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated or floodproofed to at least one and one-half (1-1/2) feet above the Base Flood Elevation.
- 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 or floodproofed to the Base Flood Elevation.
- C. Existing structures located in a designated floodway shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

Section 1.3 Destruction of an Existing Structure

- A. Structures located within the Flood Plain Conservation District may be rebuilt if destroyed by fire or other catastrophe provided that the reconstruction will not result in an increase in the Base Flood Elevation, as referenced in the Flood Insurance Study, East Norriton Township.

Section 1.4 Fill

- A. If fill is used to raise the finished surface of the lowest floor one and one-half (1-1/2) feet above the Base Flood

Elevation, the following requirements apply:

1. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for the intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.
2. Fill shall consist of soil or rock materials only.
3. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
4. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Inspector.
5. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

Section 1.5 Placement of Buildings and Structures

- A. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters.

Section 1.6 Anchoring

- A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- B. All air ducts, large pipes and storage tanks located at or below the Base Flood elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

Section 1.7 Floor, Walls and Ceilings

Where located at or below the Base Flood elevation:

- A. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- B. Plywood shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.
- C. Walls and ceilings in non-residential structures shall have sufficient wet strength and be so installed as to survive inundation.
- D. Window frames, door frames, door jambs and other components shall be made of metal or other water-resistant material.

Section 1.8 Electrical Systems

- A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations above the Base Flood Elevation.
- B. No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the Base Flood Elevation.
- C. Separate electrical circuits shall serve lower levels and shall be dropped from above.

Section 1.9 Plumbing

- A. Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the Base Flood Elevation.
- B. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 1.10 Paints and Adhesives

Where located at or below the Base Flood Elevation:

- A. Adhesives shall have a bonding strength that is unaffected by inundation (i.e. "marine" or water-resistant quality).
- B. All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water-resistant quality or similar product.
- C. Paints or other finishes shall be capable of surviving inundation (i.e. "marine" or water-resistant quality).

Section 1.11 Storage

- A. No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal or plant life, shall be stored below the Base Flood Elevation.

Section 1.12 Special Flood Damage Control Provisions for Mobile Home and Mobile Home Parks in the Flood Plain Conservation District

- A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - 1. 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.
 - 2. 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.

3. all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds, and resisting a minimum wind velocity of ninety (90) miles per hour.
- B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
1. 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 least one and one-half (1-1/2) feet above the Base Flood Elevation.
 2. adequate surface drainage is provided, as required in the East Norriton Township Subdivision and Land Development Ordinance as amended.
 3. adequate access for a hauler is provided
 4. 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 Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions.
- D. Placement of a mobile home on a lot or in a mobile home park shall require a building permit under this ordinance.

Section 1.13 Relief from Strict Compliance with Requirements of this Article.

- A. If compliance with the elevation or floodproofing requirements stated in this ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township Supervisors may, upon request, grant relief from the strict application of the requirement.
- B. Relief issued shall conform to the following general guidelines:
 1. Any new residential structure or substantial improvement of a residential structure which cannot be elevated to one and one-half (1-1/2) feet above the Base Flood Elevation shall be elevated to the maximum extent possible and floodproofed for the remaining height to the above specified level in accordance with the requirements established for the W1-W4 classes in the Office of the Chief of Engineers, U.S. Army, publication number EP 1165 2 314, June, 1972 and as subsequently amended.
 2. Any modification, alteration, reconstruction, or improvement of any kind to an existing residential structure, to an extent or amount of less than fifty (50) percent of its market value, which cannot be elevated and/or floodproofed to the Base Flood Elevation shall be elevated to the maximum extent possible and floodproofed for the remaining height to the Base Flood Elevation in accordance with the requirements established for the W3-W4 classes in the publication referenced in Section 1.13 (B) (1).

3. Any new nonresidential structure or substantial improvement of a nonresidential structure which cannot be elevated or floodproofed to the required specifications shall be (a) elevated to the maximum extent possible and floodproofed for the remaining height to at least one and one-half feet above the Base Flood Elevation, or (b) floodproofed to at least one and one-half feet above the Base Flood Elevation. The floodproofing measures shall satisfy the requirements of the W3-W4 classes in the publication referenced in Section 1.13(B)(1).
 4. Any modification, alteration, reconstruction or improvement of any kind to an existing nonresidential structure, to an extent or amount of less than fifty (50) percent of its market value, which cannot be elevated or floodproofed to the Base Flood Elevation shall be (a) elevated to the maximum extent possible and floodproofed for the remaining height to the Base Flood Elevation, or (b) floodproofed to the Base Flood Elevation. The floodproofing measures shall satisfy the requirements of the W3-W4 Classes in the publication referenced in Section 1.13(B)(1).
- C. Requests for relief from the strict application of the provisions of this ordinance may be granted by the Township in accordance with the following procedures and criteria:
1. No relief shall be granted for any construction, development, use or activity within any floodway that would cause any increase in the Base Flood Elevation.
 2. If granted, relief shall involve only the least modification necessary.
 3. In granting relief, the township may 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 relief is granted, the township shall notify the applicant in writing that:
 - a. the granting of relief may result in increased premium rates for flood insurance.
 - b. such relief may increase the risks to life and property.
 5. In reviewing any request for relief, the township shall consider, but not be limited to, the following:
 - a. that there is good and sufficient cause.
 - b. that failure to grant the relief would result in exceptional hardship to the applicant.
 - c. that the granting of the relief will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or state ordinances and regulations.

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

PART II- SUPPLEMENTARY ADMINISTRATIVE PROVISIONS FOR ACTIVITIES
IN THE FLOOD PLAIN CONSERVATION DISTRICT

Section 2.1 Administration

To insure that the aforementioned flood damage controls are being employed in all new construction and improvements within the Flood Plain Conservation District, the Building Inspector shall provide the applicant information concerning the location of the District boundaries relative to his proposed construction or improvements and the water surface elevation of the one hundred (100) year flood at the proposed construction site. The source of this information shall be the Flood Insurance Study for East Norriton Township as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.

Section 2.2 Plan Requirements

In addition to the permit application requirements normally required under the East Norriton Township Building Code, as amended, the Township Building Inspector shall require the following specific information to be included as part of the application for a building permit:

A. For structures to be elevated:

1. a plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.
2. a determination of elevations of the existing ground, proposed finished ground, and lowest floors certified by a Registered Professional Engineer, Surveyor, Architect.
3. plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a Registered Professional Engineer or Architect.
4. plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to an elevation at least one foot above the Base Flood Elevation at the building site.

B. For structures to be floodproofed:

1. plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
2. a determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.

3. a certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1. above, that the structures in question, together with attendant utility and sanitary facilities, is designed so that:
 - a. below an elevation one foot above the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.
 - b. the structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.
- C. For structures to be floodproofed in accordance with the W3-W4 class requirements in the Office of the Chief of Engineers, U.S. Army, publication number EP 1165 2 314, June, 1972, and as subsequently amended:
 1. plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 2. a determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
 3. a certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1. above that the structure in question, together with attendant utility and sanitary facilities, is designed to satisfy the floodproofing requirements of the W3-W4 classes in the above referenced publication.

Section 2.2 Review by County Conservation District

A copy of all applications and plans for construction or development in the Flood Plain Conservation District to be considered for approval shall be submitted by the Township Building Inspector to the Montgomery 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 township Building Inspector for possible incorporation into the proposed plan.

Section 2.3 Other Permit Issuance Requirements

Prior to the issuance of any building permit the township Building Inspector shall review the application for a permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Pennsylvania Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

Section 2.4 Start of Construction

For purposes of implementation of these provisions start of construction shall be considered as defined in Article III of this ordinance.

PART III - SUPPLEMENTARY DEFINITIONS FOR FLOOD PLAIN CONSERVATION DISTRICT PROVISIONS

The following are definitions which shall be used in making reasonable interpretations of the provisions contained in

- A. Base Flood - the flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this ordinance, the one hundred year flood, as referenced in the current East Norriton Township Flood Insurance Study, prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.
- B. Base Flood Elevation - the 100 year flood elevation, as referenced in the East Norriton Township Flood Insurance Study, prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development. Within the approximated flood plain, the 100 year flood elevation shall be established as a point on the boundary of the approximated flood plain nearest to the construction site in question.
- C. Construction - the construction, reconstruction, renovation, repair, extension, 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, mining, dredging, filling, grading, excavation, or drilling operations.
- E. Flood - A temporary condition of partial or complete inundation of normally dry land areas.
- F. Flood Proofing - 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. Such measures are set forth in flood proofing regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended). Flood proofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below", (or above) the "BFD" (Base Flood Datum) it shall be interpreted as meaning below, (or above) the Base Flood Elevation. Said regulations are contained in the Building Code of East Norriton Township, as amended.
- G. New Construction - structures for which the Start of Construction as herein defined commenced on or after the effective date of this ordinance. This term does not apply to any work on a structure existing before the effective date of this ordinance.
- H. One Hundred Year Flood - a flood that has one chance in one hundred or a one percent chance of being equaled or exceeded in any given year. For the purposes of this ordinance, the one hundred year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, in the Flood Insurance Study, East Norriton Township.

- I. Start of Construction - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include any preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/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 as part of the main structure. For a structure (other than a mobile home) 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 piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- J. Structure - anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, modular homes, and other similar items.
- K. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,
- a. before the improvement or repair is started or
 - b. if the structure has been damaged, and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
 2. any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.
- L. Mobile Home - A mobile home is a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but is not limited to, the definition of a mobile home as set forth in regulations governing the MOBILE HOME SAFETY AND CONSTRUCTION STANDARDS PROGRAM (24 C.F.R. 3282.7a).

PART IV

SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this ordinance as a whole, or of any other part thereof.

PART V

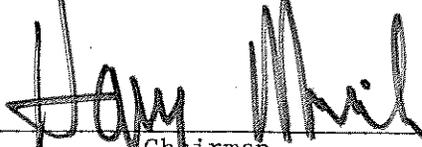
WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the Flood Plain Conservation District, or that land uses permitted within such district will be free from flooding or flood damages.

This ordinance shall not create liability on the part of East Norriton Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Enacted and ordained by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 20th day of September, A.D., 1977.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

By 
Chairman

Attest:


Secretary