

**READING TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-08

**AN ORDINANCE OF THE TOWNSHIP OF READING TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA, TO MINIMIZE FLOOD DAMAGE TO PERSON
AND PROPERTY BY REGULATING STRUCTURES AND DEVELOPMENT IN
FLOOD HAZARD AREAS; REQUIRING ALL PERSONS TO OBTAIN A
FLOODPLAIN MANAGEMENT PERMIT FOR ANY CONSTRUCTION OR
DEVELOPMENT IN FLOOD HAZARD AREAS IF ALLOWED AS
RECONSTRUCTION/REPAIR OR BY VARIANCE; SETTING FORTH MINIMUM
REQUIREMENTS AND PROCEDURES FOR ISSUANCE OF SUCH PERMITS;
PROVIDING FOR VARIANCE AND APPEAL; AND PROVIDING FOR
ENFORCEMENT AND PENALTIES FOR ANY PERSON WHO FAILS OR REFUSES
TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE**

WHEREAS, flood-prone areas within the Township may be subject to periodic inundation that results in loss of life and property; health and safety hazards; disruption of commerce, communication, utility and governmental services; extraordinary public expenditures for flood protection and relief; pollution and unsanitary conditions; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the community; and

WHEREAS, the Township is required to keep its regulatory program for floodplain management current with the minimum requirements of the National Flood Insurance Program, including the Code of Federal Regulations, 44 CFR Parts 59, 60, 65 and 70, and the Flood Insurance Study report and the Flood Insurance Study for Reading Township, and to be in compliance with the Pennsylvania Flood Plain Management Act, 32 P.S. §§ 679.101 – 679.601, which delegated to the local governmental units the responsibility to adopt floodplain management regulations; and

WHEREAS, on March 13, 2006, the Board of Supervisors of Reading Township enacted Ordinance No. 2006-1 titled “An Ordinance requiring all persons, partnerships, businesses, and corporations to obtain a building permit for any construction or development; providing for the issuance of such building permits; setting forth certain minimum requirements for new

construction and development within areas of Reading Township which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with the requirements or provisions of this Ordinance” and on June 15, 2015, enacted Ordinance No. 2015-01” titled “An Ordinance of Reading Township amending Chapter 8 of Ordinance 2014-01, governing floodplains in the Township of Reading Code of Ordinances,” and the Ordinance has been codified as Chapter 8 Floodplains; and

WHEREAS, the most recent Flood Insurance Study and Flood Insurance Rate Map for Reading Township have been finalized and will become effective February 18, 2009; and

WHEREAS, through the enactment of this Ordinance, the Township seeks to promote the general health, safety and welfare of the community by adopting floodplain management requirements that minimize flood damage and meet its federal and state regulatory obligations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Reading Township, as follows.

REPEAL OF ORDINANCE NO. 2009-01 (CODIFIED AS CHAPTER 35)

Ordinance Nos. 2006-1 and 2015-01, codified as Chapter 8 Floodplains, are repealed in their entirety and replaced by this Ordinance, as follows.

ARTICLE 1. GENERAL PROVISIONS

Section 1.0 Title, Short Title

The full title of this Ordinance is as stated above. For ease of reference, the short title of this Ordinance is “Floodplain Management Ordinance”.

Section 1.1. Enabling Authority

This Ordinance is enacted pursuant to the enabling authority of the Second Class Township Code, 53 P.S. §§ 1506 and 1601; the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 909.1, 910.2 and 912.1; the Pennsylvania Construction Code Act, Act 45 of 1999, *as amended*, 35 P.S. 7210.101 *et seq.*; the National Flood Insurance Program, including the Code of Federal Regulations, 44 CFR Parts 59,60,65 and 70, and the Pennsylvania Flood Plain Management Act, 32 P.S. §§ 679.101 – 679.601.

Section 1.2 Statement of Purpose

The purpose of this Ordinance is to:

- A. promote the general health, safety and welfare of the residents and property owners in the Township;
- B. restrict or prohibit uses that are dangerous to person and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or flood velocities;
- C. require that uses which are vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial establishment, construction or enlargement;
- D. encourage the use of appropriate construction practices in order to prevent or minimize flood damage in the future;
- E. control the alteration of natural floodplains, stream channels and protective barriers, which accommodate floodwaters;
- F. prevent or regulate the construction of barriers that will unnaturally divert flood waters or which increase flood hazards to other lands;
- G. control filling, grading, dredging and all other development activities that may increase erosion or flood damage; and
- H. comply with federal and state floodplain management requirements.

Section 1.3 Objectives

The objectives of this Ordinance are:

- A. To protect human life and health;
- B. To minimize the need for rescue and relief efforts undertaken with flooding and the expenditure of public money for these efforts;
- C. To minimize property loss and damage;
- D. To minimize prolonged business losses and interruptions;
- E. To help maintain a stable tax base by providing for the sound use and development of floodplain areas;

- F. To minimize damage to public facilities and utilities that are located in floodplain areas; and
- G. To minimize expenditure of public money for costly flood control projects.

Section 1.4 Applicability

- A. This Ordinance is applicable to any and all areas of the Township classified as special flood hazard areas in the Flood Insurance Study and Flood Insurance Rate Map issued by the Federal Emergency Management Agency dated February 18, 2009 or then current.
 - i. The special flood hazard area may be revised or modified by the Board of Supervisors but only where studies or other information provided by a qualified agency or person documents the need for such revisions and:
 - a. no later than six months after the date such study or other information is available, the Township provides such study or information to FEMA;
 - b. the Township obtains approval from FEMA prior to making the revision or modification.
- B. It shall be unlawful for any person to undertake or cause to be undertaken any construction or development within a flood hazard area anywhere within the Township; except, where construction or development is for purposes of reconstruction allowed by this Ordinance or upon grant of a variance, it shall be unlawful for any person to undertake or cause to be undertaken such construction and development within a flood hazard area unless a floodplain development permit has been obtained from the Floodplain Administrator.
- C. "Person" as used in this Ordinance shall mean an individual, partnership, public or private association, corporation, business, trust, estate, municipality, government unit, public utility or any other legal entity which is recognized by law as the subject of rights and duties.

Section 1.5 Conflicting or Greater Restrictions

In the event of a conflict between the provisions of this Ordinance and any other ordinance of the Township, the more restrictive provisions shall apply.

Section 1.6 Severability

In the event any part of this Ordinance shall be declared invalid, such declaration shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect. For this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 1.7 Scope of Regulation; Warning

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes. As a consequence of natural and man-made causes, larger floods may occur, flood heights may be increased, and other areas outside of identified floodplain areas may be impacted by flooding.

Section 1.8 Definitions

Certain words and phrases used in this Ordinance are defined in the Code of Federal Regulations and the Pennsylvania Flood Plain Management Act. For ease of reference, the definitions of a number of these words and phrases are set forth below. Where not specifically defined below or defined in the Code of Federal Regulations and the Pennsylvania Flood Plain Management Act, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- 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. **BASE FLOOD (also known as the 100-year flood or 1% annual chance flood)** – flood having a 1 percent chance of being equaled or exceeded in any given year.
- C. **BASE FLOOD ELEVATION** – elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a base flood.
- D. **BASEMENT** – any area of the structure having its floor subgrade below ground level on all sides.
- E. **BUILDING** – see Structure.
- F. **CUMULATIVE SUBSTANTIAL DAMAGE** – 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 equals or exceed 25% of the market value of the structure before the damage occurred.

- G. DEVELOPMENT** – any manmade change to improved or unimproved real estate, including but not limited to, the construction, erection, reconstruction, renovation, repair, expansion, or alteration of structures; the placement of manufactured homes in manufactured home parks and subdivisions; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; clearing of vegetation; and any use or change in use of any structures or land. Development shall also include any land disturbing activity on improved or unimproved land that changes the amount of impervious or partially impervious surfaces or that otherwise decreases the natural infiltration of precipitation into the soil.
- H. FLOOD OR FLOODING** – a general, but temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface water from any source, including the overflow of streams, rivers or other waters of the Commonwealth.
- I. FLOOD HAZARD AREA** – The floodway and the maximum area of land likely to be flooded by a base flood, as identified in the most current Flood Insurance Study and shown on the most current Flood Insurance Rate Map for the Township of Reading, Adams County, Pennsylvania, provided by the Federal Emergency Management Agency.
- J. 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 Township. As of the date of this Ordinance, the official map is dated February 18, 2009. This definition expressly includes any revisions to the official map then current at the time of application of this Ordinance.
- K. 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. This definition expressly includes any revisions to the official report then

current at the time of application of this Ordinance, including all digital data developed as part of the FIS.

- L. **FLOODPLAIN** – any land area 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. This term expressly includes the areas shown on the Flood Insurance Rate Map (see definition of Flood Insurance Rate Map).
- M. **FLOODPLAIN DEVELOPMENT PERMIT** – Redaing Township permit required prior to the commencement of any development in the floodplain.
- N. **FLOODPROOFING** – 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
- O. **FLOODWAY** – the channel of a river or other watercourse and the adjacent land area that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- P. **FREEBOARD** – a factor of safety usually expressed in feet above a flood level for purposes of flood plain management, which compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.
- Q. **HISTORIC STRUCTURES** – for purposes of this Ordinance, any structure that is:
 - i. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - ii. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - iii. individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

- a. by an approved state program as determined by the Secretary of the Interior or
 - b. directly by the Secretary of the Interior in states without approved programs.
- R. **LOWEST FLOOR** – the lowest floor of the lowest fully enclosed area, including the basement. An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- S. **MANUFACTURED HOME** – For purposes of this Ordinance only, the term “manufactured home” means 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 trailer, recreation and other similar vehicles which are placed on a site for more than 180 consecutive days.
- T. **MANUFACTURED HOME PARK** – For purposes of this Ordinance only, a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent. *For purposes of this Ordinance, the term “manufactured home park” is substituted for the term “manufactured home park or subdivision” used in Pennsylvania Flood Plain Management Act. The Pennsylvania Municipalities Planning Code contains the term “mobilehome park” (not subdivision) and defines a “mobilehome park” as “a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes,” A manufactured home (see definition of “manufactured home”) on an individual lot of record established by deed or plan of subdivision is a structure (see definition of “structure”).*
- U. **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, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- V. **NEW CONSTRUCTION** – structures for which the start of construction commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures. Any construction started after the initial Flood Insurance Rate Map issued for the municipality and before the effective date of this 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.
- W. **NEW MANUFACTURED HOME PARK** – For purposes of this Ordinance only, a manufactured home park 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 on or after the effective date of this Ordinance. (See also definition of Manufactured Home Park). *For purposes of this Ordinance, the term “manufactured home park” is substituted for the term “manufactured home park or subdivision” used in Pennsylvania Flood Plain Management Act. The Pennsylvania Municipalities Planning Code contains the term “mobilehome park” (not subdivision) and defines a “mobilehome park” as “a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.” A manufactured home (see definition of “manufactured home”) on an individual lot of record established by deed or plan of subdivision is a structure (see definition of “structure”).*
- X. **OBSTRUCTION** – any structure or assembly of materials, including fill, or an activity which might impede, retard or change flood flows.
- Y. **100-YEAR FLOOD (BASE FLOOD)** – the highest level of flooding that, on average, is likely to occur every 100 years, that is a flood that has a 1% chance of occurring each year.
- Z. **RECREATIONAL VEHICLE** – for purposes of this Ordinance only, a vehicle which is:

- i. built on a single chassis;
 - ii. not more than 400 square feet, measured at the largest horizontal projections;
 - iii. designed to be self-propelled or permanently towable by a light-duty truck;
 - iv. not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.
- AA. **REGULATORY FLOOD PROTECTION ELEVATION (BPE)** – the base flood elevation, or estimated flood height as determined using simplified methods, plus a freeboard safety factor of 1½ feet. The freeboard safety factor also applies to utilities and ductwork.
- BB. **SPECIAL FLOOD HAZARD AREAS** – land in the floodplain subject to inundation by the base flood as shown on the most current Flood Insurance Rate Map for the Township of Reading, Adams County, Pennsylvania, provided by the Federal Emergency Management Agency.
- CC. **SPECIAL APPROVAL** – approval required for hospitals, nursing homes, jails, and new or substantially improved existing manufactured home parks, when such development is located in all or a portion of a floodplain. *For purposes of this Ordinance, the term “special approval” is substituted for the term “special exception” used in Section 301 of the Pennsylvania Flood Plain Management Act.*
- DD. **START OF CONSTRUCTION** – date the building permit was issued, provided the actual start of repair, construction, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days of the permit date and shall be completed within 12 months after the date of issuance of a permit unless a time extension is granted. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations of 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.

- EE. **STRUCTURE** – anything constructed and erected on or attached to the ground by any combination of materials, including a manufactured home and a gas or liquid storage tank that is principally sited above ground.
- FF. **SUBSTANTIAL DAMAGE** - damage from any cause sustained by a structure whereby the cost of restoration to a before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- GG. **SUBSTANTIAL IMPROVEMENT** – any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement, regardless of the actual repair work performed. This term includes structures which have incurred cumulative substantial damage. For 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 structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not include:
- i. an improvement to correct existing violations of state or Township health, sanitary or safety code requirements and which is the minimum necessary to assure safe living conditions; or
 - ii. an alteration of a historic structure, listed on the National Register of Historic Places or Pennsylvania's inventory of historic places, provided the alteration does not preclude the structure's continued designation as such.
- HH. **VARIANCE** – grant of relief by the Reading Township Zoning Hearing Board from a requirement of this Ordinance.
- II. **VIOLATION** – the failure of a structure or other development to be fully compliant with this Ordinance. 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),(3) or (5), is presumed to be in violation until such time as that documentation is provided.

ARTICLE II. ADMINISTRATION

Section 2.0 Floodplain Administrator

A. Designation of Floodplain Administrator

The Floodplain Administrator is the person charged by the Board of Supervisors with the duty of administration and enforcement of this Ordinance. The Floodplain Administrator for the Township is the Township Engineer.

B. Duties of the Floodplain Administrator

The Floodplain Administrator shall perform the following duties:

1. Inspect all development within the flood hazard area to assure that the requirements of this Ordinance have been satisfied.
2. Review all applications for proposed development within the flood hazard area for compliance with the requirements of this Ordinance, make determinations necessary for the administration of the Ordinance; and issue a floodplain development permit or special approval, as applicable, only for applications that satisfy the requirements of this Ordinance, or to the extent of any variance from a requirement(s) has been granted by the Reading Township Zoning Hearing Board.
3. Coordinate permitting activities undertaken pursuant to this Ordinance with permitting and approval activities undertaken pursuant to Township ordinances regulating zoning, subdivision and land development, grading and erosion control, construction, and sewage management to assure consistency among the plan documents submitted for and relating to each permit or approval.
4. Review land development and subdivision proposals submitted for municipal review and approval under the Pennsylvania Municipalities Planning Code to determine whether: (i) the proposal is consistent with the need to minimize flood damage within the flood-prone area; (ii) all public and private utility facilities are located and constructed to minimize or eliminate flood damage; (iii) adequate drainage is provided to reduce exposure to flood hazards; and (iv) where such a proposal is greater than 50 lots or 5 acres, whichever is less, base flood elevation data is provided.

5. Inform the applicant that additional Township, state or federal permits or approvals may be required for the development, and require that the applicant provide copies of all state and federal permits and approvals.
6. In the case of an application relating to an existing structure, review the history of repairs and cumulative substantial damage, proposed costs of improvements and/or repairs, and the pre-improvement market value of the structure, and make a substantial improvement/substantial damage determination in accordance with the then-current FEMA Substantial Improvement/Substantial Damage Desk Reference.
7. During the construction period, inspect new and substantially improved structures to verify and record compliance with the requirements of this Ordinance and the issued floodplain development permit, including but not limited to, actual elevation data, floodproofing measures, and certifications of floodproofing.
8. Make the necessary interpretation as to the exact location of boundaries of the flood hazard area where interpretation is needed because of a conflict between a mapped boundary and actual field conditions.
9. When base flood elevation data or floodplain encroachment data has not been provided, obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source.
10. Maintain all records pertaining to the administration and enforcement of this Ordinance, including, but not limited to, historic and current flood insurance study reports and rate maps for the Township; map changes issued by the Federal Emergency Management Agency; finished construction elevation data; issued floodplain protection permits; applications for variance from this Ordinance and decisions on such applications made by the Zoning Hearing Board; inspections; and enforcement actions, in perpetuity or for the life of the structure.
11. Consult with legal, engineering or construction professionals, as necessary, for the administration of the Ordinance.

12. Serve notices of violation, issue stop work orders, revoke permits, order (or undertake) corrective actions for noncompliance of any development with the requirements of this Ordinance.
13. Take any other action reasonably necessary for the administration or enforcement of this Ordinance.
14. When requested and subject to review by the Board of Supervisors, prepare a biennial report of community participation in the National Flood Insurance Program for submission to FEMA.

Section 2.1 Watercourse Encroachments

- A. Prior to issuance of a Floodplain Development Permit, no encroachment, alteration or improvement of any kind shall be made to any watercourse until:
 1. all adjacent municipalities which may be affected by such action have been notified by the Township; and
 2. until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection
 3. unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- B. The Township shall notify the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development prior to any alteration or relocation of any watercourse.

Section 2.2 Floodplain Development Permit Required

- A. To the extent development and construction is permitted in the flood hazard area (see Section 1.4.A.), a floodplain development permit shall be required before any construction or development is undertaken within the flood hazard area of the Township.
- B. The Floodplain Administrator shall issue a floodplain development permit only after making a determination that the proposed work to be undertaken will be in conformance with the requirements of this Ordinance.
- C. Construction or development permitted by the floodplain development permit shall be completed no later than one year following the date of the permit. Upon

demonstration of sufficient cause, submitted in writing, and so long as in compliance with the then current Floodplain Management Ordinance and FIRM, the floodplain administrator may extend the permit for a period not to exceed one year.

Section 2.3 Floodplain Development Permit Application Requirements

- A. Application for a floodplain development permit shall be made on the current form adopted by the Township and shall contain, at a minimum, the following information:
1. Site location, including the Adams County Property Identification Number(s).
 2. Name, mailing address, telephone number and email address of the applicant.
 3. Name, mailing address, and telephone number of the title owner(s) of land on which the proposed construction is to occur.
 4. If the applicant is not the owner(s), a statement of the legal right of the applicant to make the application.
 5. Name, address, telephone number and email address of the contractor(s) performing the work.
 6. Listing of other local, state and federal permits or approvals required for the proposed structure and/or its intended use, the status of such permits or approvals, and a copy of such permits or approvals when issued in advance of the submission of the application.
 7. A brief description of the proposed work.
 8. A plan of the site, drawn at a scale of 1 inch equals 100 feet or less, showing the following:
 - a. map of the general area providing enough information to enable a person who is unfamiliar with the Township to accurately determine the location of the site involved;
 - b. north arrow and scale;
 - c. dates of the original plan and any revisions;
 - d. topographic contour lines based upon the North American Vertical Datum of 1988 (NAVD 88) or then current version, showing existing and proposed contours at intervals of two feet in a geographic coordinate

- system grid referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere;
- e. property lines, including dimensions, and the size of the site expressed in acres and square feet;
 - f. location of existing bodies of water or watercourses and identified floodplain areas;
 - g. size and location of any existing structure(s) or improvements on the property, including but not limited to streets, access drives, driveways and parking lots;
 - h. size and location of proposed structure(s) and other improvements;
 - i. type, size and location of all existing public or private utility facilities, including but not limited to water, sanitary sewer and stormwater;
 - j. proposed streets, access drives, driveways, and parking areas, showing all rights-of-ways and pavement widths;
 - k. profile drawings for all proposed streets, drives, other accessways, including proposed grades;
 - l. plans and profiles of all proposed utility systems, including, but not limited to, water, sanitary sewer, and stormwater;
 - m. location of any public or private facilities or utilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development;
 - n. location of any structures adjacent to the property;
 - o. location of all proposed or existing streets, drives or accessways and parking areas, including information size, pavement type and elevation;
 - p. location of any existing bodies of water or watercourses, including the direction and velocity of the flow of water; and
 - q. location and boundary of the floodplain and as shown on the most current Flood Insurance Rate Map for the Township of Reading, Adams County; the boundaries of the applicable floodway and information and spot elevations concerning the base flood elevations; and information concerning the flow of water including direction and velocities.

9. Plans of the proposed structure(s) and improvements, drawn at a suitable scale, containing sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior elevations, and showing the following:
 - a. proposed finished floor elevations of any proposed structure;
 - b. proposed lowest floor elevation of each proposed structure based upon North American Vertical Datum of 1988;
 - c. elevation of the base flood;
 - d. information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, if available;
 - e. detailed information concerning any proposed floodproofing measures; and
 - f. as necessary, supplemental information relevant to the administration of the UCC.
10. Brief description and estimated cost of the proposed work, including a breakout of flood-related work and costs and, in such cases where the permit is sought to repair flood-damaged property, the market value of the structure before the flood damage occurred.
11. The following data and documentation:
 - a. documentation, certified by a registered professional engineer or architect which contains a complete and accurate description of the effects the proposed development will have on base flood elevations and flows;
 - b. documentation, certified by a registered professional engineer or architect stating that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base 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;
 - c. documentation, certified by a registered professional engineer or 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 base flood, including a statement concerning the effects such pollution may have on human life;
- d. documentation, certified by a registered professional engineer or 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 base flood elevation and the effects such materials and debris may have on base flood elevations and flows;
 - e. the appropriate component of the Department of Environmental Protection's Planning Module for Land Development";
 - f. detailed information to permit a determination of compliance with Article IV, Development Which May Endanger Human Life, including:
 - i. The amount, location and purpose of any materials or substances referred to in Article IV, Section A.1., which are intended to be used, produced, stored or otherwise maintained on site,
 - ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Article IV, Section A.1. during the base flood;
 - g. Where any excavation or grading is proposed, plan meeting the requirements of the Department of Environmental Protection to implement and maintain sedimentation and erosion control;
 - h. If any proposed construction or development is located entirely or partially within the floodplain, applicants shall provide all the necessary information in sufficient detail and clarity to enable the floodplain administrator to determine that the proposed development is consistent with the need to minimize flood damage and complies with the requirements of this Ordinance.

Section 2.4 Fees

The application for a floodplain development permit shall be accompanied by payment of the then current administrative fees as have been established by the Board of Supervisors. An application submitted without payment of fees will not be accepted for processing.

Section 2.5 Post-Permit Issuance Modifications

After the issuance of a floodplain development permit, no change of any kind shall be made to the application, permit or related plans and documentation submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any change shall be in writing and submitted to the Floodplain Administrator.

Section 2.6 Placard

Upon issuance of the floodplain management permit, the Floodplain Administrator shall issue to the applicant a placard which references the issued floodplain management permit by applicant, permit number and the date the permit was issued. The applicant shall place the placard in a prominent location on the property and shall maintain the placard in place until such time as construction or development has concluded.

ARTICLE III REQUIREMENTS AND STANDARDS

Section 3.0 General Requirements

- A. Within the floodway, the following provisions apply:
 1. Any new construction, development, use, or encroachment, including an enlargement or expansion of an existing structure, excepting as associated with the provision of community serving or property-specific infrastructure such as roads, bridges, utilities, and similar infrastructure, shall be prohibited.
 2. New construction, development, use or encroachment associated with the provision of community serving or property-specific infrastructure such as roads, bridges, utilities, and similar infrastructure shall only be permitted where it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels during the occurrence of the discharge of base flood. Such development shall only be

allowed provided all required permits are obtained from the Department of Environmental Protection.

- B. Within the A Zone, the following provisions apply:
1. No new construction, development, use, or encroachment, including an enlargement or expansion of an existing structure, shall be permitted unless it is demonstrated through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice, that the cumulative effect of all existing and proposed development will not increase the base flood elevation.
 2. For unenclosed spaces, for example decks, porches, patios and gazebos, to determine the base flood elevation to be used to prove no rise in base flood elevation, the applicant shall consult with federal, state and other acceptable sources, when available. Where such sources are not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of an identified floodplain area nearest the site. In the absence of any of the above sources, the required elevation of the lower floor shall be a minimum of three feet above the highest adjacent grade.
 3. For all construction, development, use or encroachment other than as identified in sub-section 2., to determine the base flood elevation to be used to prove no rise in base flood elevation, the applicant shall present hydrologic and hydraulic engineering analysis undertaken by a professional engineer or other proof demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations and other supporting material shall be submitted in sufficient detail to allow a thorough technical review by the Floodplain Administrator.
 4. A manufactured home shall be placed on a permanent foundation.
 5. A recreational vehicle must either:
 - a. be on the property for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use; or
 - c. meet the requirements for a manufactured home.

C. Within an AE Zone:

1. Within an AE Zone without a designated floodway, no new construction, development, use, or encroachment, including an enlargement or expansion of an existing structure, shall be permitted unless it is demonstrated through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice, that the cumulative effect of all existing and proposed development will not increase the base flood elevation.
2. A manufactured home shall be placed on a permanent foundation.
3. A recreational vehicle must either:
 - a. be on the property for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use; or
 - c. meet the requirements for a manufactured home.

E. In demonstrating compliance with the requirements of Article III of this Ordinance, applicants should consult the following resources (as may be updated from time to time) for guidance:

- ❖ FEMA publications
- ❖ International Building Code, edition recognized in the UCC
- ❖ International Residential Building Code, edition recognized in the UCC
- ❖ ASCE 2434 Pa. Code, Chapters 401-405
- ❖ US Army Corps of Engineers publications

Section 3.1 Specific Requirements

A. Elevation and Floodproofing Requirements

1. Within any identified floodplain area, any new construction or substantial improvement of a structure shall have the lowest floor (including basement) elevated to the regulatory flood protection elevation, which is at least 1½ feet above the base flood elevation.
2. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department Environmental Protection.

3. 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.

B. Space Below Lowest Floor

1. Fully enclosed space below the lowest floor is prohibited.
2. Partially enclosed space below the lowest floor, including crawl spaces, which will be used solely for the parking of a vehicle, access, or incidental storage 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. 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 square inch for every square foot of enclosed space installed on two separate walls;
 - b. the bottom of all openings shall be no higher than one foot above grade; and
 - c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters
3. Water heaters, furnaces, air conditioning and ventilating units, washers, dryers, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood protection elevation and shall be located, constructed and designed to minimize or eliminate flood damage and to prevent water entry or accumulation.

- C.** 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 Article IV, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood protection elevation and/or floodproofed to the maximum extent possible.

D. Accessory Structures

For purposes of this Ordinance, an accessory structure is a structure located on the same parcel of property as the principal structure and the use of which is incidental and subordinate to the use of the principal structure. Except as otherwise provided, structures accessory to a principal structure or use need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. The accessory structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, equipment or material related to the principal use or activity of the property.
2. Floor area of the accessory structure shall not exceed 200 square feet. To the extent an accessory structure exceeds 200 square feet (*which would require a variance*), the accessory structure shall be elevated to at least 1½ feet above the base flood elevation.
3. The accessory structure shall have a low damage potential.
4. The accessory structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring and outlets will be at least 1½ feet above the base flood elevation.
6. Water heaters, furnaces, air conditioning and ventilating units, washers, dryers, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood protection elevation, shall be located, designed and constructed to minimize or eliminate flood damage and to prevent water entry or accumulation.
7. 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 Article IV, Section A.1., Development Which May Endanger Human Life, are prohibited.
8. Sanitary facilities are prohibited.
9. The accessory structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the

walls. 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 square inch for every square foot of enclosed space;
- b. the bottom of all openings shall be no higher than one foot above grade; and
- c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance must comply with the Ordinance to the extent that the requirements do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer, respectively. Any exemption from the requirement shall be the minimum necessary to preserve the historic character and design of the structure.

Section 3.2 Design and Construction Standards

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

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen feet beyond the building line from all points;
2. consist of soil or small rock materials only. No sanitary landfill materials are permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

4. be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Floodplain Administrator; and
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Placement of Structures

All 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.

C. Anchoring

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

D. Floors, Walls, Ceilings, Wooden Components

1. Wood flooring used at or below the regulatory flood protection elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the structure.
2. Plywood used at or below the regulatory flood protection elevation shall be of a "marine" or "water resistant" variety.
3. Walls and ceilings at or below the regulatory flood protection elevation shall be designed to withstand inundation and constructed of materials that are "water resistant."
4. Windows and doors at or below the regulatory flood protection elevation shall be made of metal or "water resistant" materials.
5. All wooden components, e.g. doors, trim, cabinets, used at or below the regulatory flood protection elevation shall be finished with a "marine" or "water resistant" finish.

E. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood protection elevation shall be of "marine" or "water resistant" type.

2. Adhesives used at or below the regulatory flood protection elevation shall be of "marine" or "water resistant" type.

F. Electrical Components and Equipment

1. Electric distribution panels shall be placed at least three feet above the base flood elevation.
2. Electric circuits shall be dropped from above.
3. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood protection elevation, shall be located, constructed and designed to minimize or eliminate flood damage and to prevent water entry or accumulation, and shall be anchored to resist flotation, collapse and lateral movement.
4. Ductwork shall be elevated to or above the regulatory flood protection elevation or designed to prevent the infiltration of flood waters.

G. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters in 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.

H. Water and Sanitary Sewer Facilities and Systems

1. Except where demonstrated that no alternative location is reasonably available, no new water supply or sanitary sewer facilities and facilities, including on-site septic systems, are permitted within an identified floodplain.
2. Water supply facilities and systems which are replacement or new (to the extent allowed under subsection H.1.) shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
3. Sanitary sewer facilities, including on-site septic systems, which are replacement or new (to the extent allowed under subsection H.1.) shall be located, designed and constructed in strict compliance with applicable

state and Township regulations and to minimize or eliminate flood damages, the infiltration of flood waters, discharge of untreated sewage into flood waters, and impairment from flood waters.

Section 3.3 Uniform Construction Code Coordination

The standards and specifications contained in the Uniform Construction Code, 34 Pa. Code 401-405, *as amended*, including the edition of the International Building Code and International Building Code made part of the UCC, shall apply to the extent they are more restrictive or supplement the requirements of this Ordinance.

ARTICLE IV. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. 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:
 - a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide
 - e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid
 - i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitric acid and oxides of nitrogen
 - l. Pesticides (including insecticides, fungicides and rodenticides)
 - m. Petroleum products (gasoline, fuel oil, etc.)
 - n. Phosphorus
 - o. Potassium
 - p. Radioactive substances, insofar as such substances are not otherwise regulated;

- q. Sodium
 - r. Sulphur and sulphur product
 - 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 foregoing dangerous materials or substances on the premises; or
 - 3. will involve the production, storage or use of any amount of radioactive substances;
 - 4. shall be subject to the provisions of this Section, in addition to all other applicable provisions.
- B. Within the floodway, any structure of the kind described in Section A, above, shall be prohibited.
- C. Within any floodplain area, any new or substantially improved structure of the kind described in Section A, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any floodplain area, any new or substantially improved residential or non-residential structure of the type described in Section A, above, shall be:
- 1. elevated (or in the case of a non-residential structure only designed and constructed) to remain completely dry up to at least 1½ feet above the base flood elevation in accordance with the standards for complete flood proofing published by the U.S. Army Corps of Engineers or with an equivalent watertight standard. For purposes of this provision, “completely dry” means totally dry during flooding and designed and constructed to prevent the passage of water and water vapor.
 - 2. Designed to prevent pollution from the structure or activity during the course of a base flood.

ARTICLE V. ACTIONS REQUIRING SPECIAL APPROVAL

Section 5.0 Applicability

The commencement or expansion of the following activities or the construction or enlargement of any structure used or intended to be used for the following activities shall be

prohibited within any floodplain areas unless a special approval has been issued by the Township:

- A. Hospital
- B. Nursing home
- C. Jail or prison
- D. New manufactured home park or substantial improvement to an existing manufactured home park.

Section 5.1 Application Requirements for Special Approval

An applicant for a special approval shall submit:

- A. a written request including a completed Floodplain Development Permit application form;
- B. all information required under Section 2.3;
- C. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood;
- D. payment of the then current administrative fees as have been established by the Board of Supervisors. An application submitted without payment of fees will be considered incomplete and will not be accepted for processing.

Section 5.2 Special Approval Application Review Procedures

- A. Applications for a special approval shall be submitted to the Floodplain Administrator for a completeness review. If complete upon submission, the Floodplain Administrator shall review and process the application. If incomplete upon submission, the Floodplain Administrator shall return the application to the applicant along with a writing stating in what respect the application is deficient.
- B. Within three working days following receipt of a complete application, the Township shall forward, by registered or certified mail, a complete copy of the application and all accompanying documentation to the County Planning Commission for its review and recommendations. The Township shall concurrently provide the Floodplain Administrator with documentation of the required service on the County.
- C. The Floodplain Administrator shall forward the application to the Township's Planning Commission and engineer for review and comment.

- D. If the Floodplain Administrator disapproves the application, he shall notify the applicant in writing stating the reasons for the disapproval.
- E. If the Floodplain administrator approves the application, a written notification of the approval together with the application and all pertinent information shall be filed with the Department of Community and Economic Development by registered or certified mail within five working days of the date of approval.
- F. If after 30 days the Department of Community and Economic Development has not issued a comment on the application, the floodplain administrator shall issue the special approval. The special approval may not be issued if the Department notifies the Township in writing that it has disapproved the application and stated the reasons for disapproval.

Section 5.3 Requirements for Special Approval

- A. In addition to the requirements of Section 2.3 of this Ordinance, the following minimum requirements apply to any proposed development requiring a special approval. In the event of a conflict between the following requirements and those set forth in Section 2.3, the more restrictive requirements shall apply. No application for special approval shall be approved unless the applicant demonstrates and the floodplain administrator determines that the structure or activity will be located, constructed, and maintained in a manner which:
 - 1. will fully protect the health and safety of the public and any occupants of the structure. At a minimum, all structures shall be designed, located and constructed so that:
 - a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to the structure or to any of its equipment or contents located below the base flood elevation;
 - b. the lowest floor elevation is at least 1 ½ feet above the base flood elevation; and
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

2. will prevent any significant possibility of pollution, increased floodlevels or flows or debris endangering life and property; and
 3. will comply with the requirements of the National Flood Insurance Program.
- B. All hydrological and hydraulic analyses supporting the application shall be undertaken only by professional engineers or other professional of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow a thorough technical review by the Flood Administrator and the Department of Community and Economic Development.

Section 5.4 Condition Applicable to all Special Approvals

All special approvals shall be conditioned upon compliance with all feasible floodproofing and other requirements necessary to minimize damage, and the hindrance of flood flows and to minimize potential danger to life and property.

ARTICLE VI. VARIANCE

Section 6.1 Variance

A. Variance, generally

1. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship, the Zoning Hearing Board of Reading Township may, upon request and in conformance with Section 2.4.B, grant relief from the strict application of the requirements in the form of a variance of the requirement.
2. The granting of a variance from this Ordinance is for floodplain management purposes only.

B. Availability of relief in the form of variance

1. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in base flood elevation.
2. No variance shall be granted for any construction, development, use or activity within any AE zone without a designated floodway

that would, together with all other existing and anticipated development, increase the base flood elevation more than 1 foot at any point.

3. Relief in the form of variance is generally limited to new construction and substantial improvements to a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.
4. A variance may be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
5. Except for a possible variance of the 1½ foot freeboard requirement for a special approval, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special approval or to Development Which May Endanger Human Life.
6. An applicant seeking variance of the freeboard requirement shall demonstrate:
 - a. That there are unique physical circumstances, including exceptional topographical or other existing natural or man-made conditions peculiar to the property;
 - b. Because of such physical circumstances and conditions, the proposed substantial improvement cannot be reasonably designed and constructed in compliance with the provision of the applicable requirements; and that a reduction is therefore necessary;
 - c. That the requested variance is the least necessary to provide relief
 - d. That failure to grant such request will result in exceptional hardship to the applicant;
 - e. That approval of the request will not result in increased flood heights within any designated floodway;
 - f. That approval of the request will not result in any additional threat to public health and safety, or result in any extraordinary public expense or create any nuisance; and

- g. That approval of the request will not result in any conflict with any other applicable laws or regulations.

C. Procedure

1. A request for variance of any requirement of this Ordinance shall be made in writing. The request shall provide sufficient detail to permit an understanding of the hardship and the relief requested. The request shall affirmatively state, with supporting explanation, that it is the least variance necessary to provide relief. The Floodplain Administrator shall review the request for administrative completeness, including the payment of the required administrative fee; the request shall not be processed until it is determined to be administratively complete.
2. Upon receipt of a request for variance, the Township, under the signature of the floodplain administrator, shall notify the applicant in writing that:
 - a. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
 - b. such construction below the base flood level increases risks to life and property.
3. The Zoning Hearing Board of Reading Township shall consider the request no later than 60 days from the date of submission of an administratively complete application.
4. The Township shall provide written notice to the applicant of the time and place at which the request will be considered.
5. In the event the request for variance is granted, the Township shall notify the applicant in writing:
 - a. stating the specific relief granted;
 - b. advising that the granting of the request may result in increased premium rates for flood insurance; and
 - c. advising that the grant of relief may increase the risks to life and property.
6. A report of all variances granted during the year shall be included in the Township's annual report to the Federal Emergency Management Agency.

D. Standards for Relief

The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

E. Additional Criteria

In considering the request for relief, the Zoning Hearing Board shall also consider the following additional criteria:

1. That there is good and sufficient cause for the request for relief;
2. That the failure to grant the variance would result in exceptional hardship to the applicant; and
3. That the granting of the request will not: result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local law or ordinances.

F. Conditions

In granting the variance, the Zoning Hearing Board 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.

G. Appeal

An appeal from the Zoning Hearing Board's written decision on the application for variance is governed by the Pennsylvania Municipalities Planning Code.

ARTICLE VII. APPEALS FROM DETERMINATIONS OF FLOODPLAIN ADMINISTRATOR

Section 7.1 Procedure

- A. An appeal from the determination made by the Floodplain Administrator shall be made in writing. The appeal shall provide sufficient detail to permit an understanding of the determination appealed from and the grounds for the appeal. The Floodplain Administrator shall review the request for administrative completeness, including the payment of the required administrative fee; the request shall not be processed until it is determined to be administratively complete.
- B. The Zoning Hearing Board of Reading Township shall consider the appeal no later than 60 days from the date of submission of an administratively complete application.
- C. The Township shall provide written notice to the applicant of the time and place at which the request will be considered.
- D. In the event the appeal is granted, the Township shall notify the applicant in writing stating the specific relief granted.

Section 7.2 Appeal

An appeal from the Zoning Hearing Board's written decision on the application for variance is governed by the Pennsylvania Municipalities Planning Code.

ARTICLE VIII. ENFORCEMENT; PENALTIES

Section 8.1 Enforcement

A. On-Site Inspection

During the construction period, the Floodplain Administrator, upon presentation of proper credentials, shall have the authority to enter the premises and any structure, at any reasonable hour and as often as is necessary, to determine whether:

1. work performed under a floodplain development permit is being done in accordance with the requirements of this Ordinance, the terms of the permit and the information provided on the permit application; or
2. work is being performed without a floodplain development permit.

B. Stop-work Orders

Whenever a structure, or part thereof, is being repaired, constructed, reconstructed or altered or development occurs in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing the work. If the person doing the work is not the title owner of the property, a copy of the stop work order also shall be directed to the title owner of the property as determined from the tax records maintained by Adams County. The stop-work order shall specifically state the work to be stopped, the reason(s) for the stoppage, and the condition(s) under which the work may be resumed, including, but not limited to, corrective actions to be undertaken and the specified time frame in which to undertake the corrective actions.

C. Revocation of floodplain development permit

The Floodplain Administrator may revoke the floodplain development permit by notifying the permit holder in writing stating the reason for the revocation and reporting such fact to the Board of Supervisors for whatever action it considers necessary. Such permits may be revoked for:

1. substantial departure from the terms of the permit;
2. false statements or misrepresentations made by the applicant in securing the permit; or
3. a permit mistakenly issued in violation of applicable Township, state or federal law.

D. Violation Notice

Whenever the Floodplain Administrator determines that there are reasonable grounds to believe that there has been a violation of this Ordinance, the Floodplain Administrator shall give notice of such alleged violation to the applicant, if a floodplain management permit has been issued, and the property owner (if not the applicant) or, if a floodplain management permit has not been issued, to the property owner. Such notice shall be:

1. in writing;
2. include a statement of the reasons for its issuance;
3. state the remedial actions which, if taken, will effect compliance with the issued permit and/or this Ordinance;
4. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
5. state the right of appeal from the notice of violation; and
6. be served upon the applicant by any method authorized by law.

E. Penalties

Any person who fails to comply with the permit, any requirements of this Ordinance, or who fails or refuses to comply with any notice of violation shall be guilty of a summary offense and, upon conviction, shall pay a fine to the Township of not less than \$25.00 nor more than \$600.00 plus costs of prosecution. Each day of continuing violation shall constitute a separate offense. The imposition of a fine or penalty for any violation of this Ordinance shall not excuse the violation or permit it to continue.

F. Injunction

In addition to the imposition of the penalties described above, the Township may pursue an action in equity to restrain, prevent or abate violation of this Ordinance and for the proper enforcement of this Ordinance.

G. Nuisance

Any obstruction; structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Ordinance; or other conduct in violation of this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 8.2 Appeals

- A. Any person aggrieved by any determination or action of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, including a determination of the boundary of any part of the floodplain, may appeal to the Reading Township Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the determination or action of the Floodplain Administrator.
- B. Upon receipt of the appeal, the Zoning Hearing Board shall consider the appeal in accordance with Article 9 of the Pennsylvania Municipalities Planning Code.
- C. Any person aggrieved by the decision of the Zoning Hearing Board may seek relief by appeal to the court, as provided by the laws of the Commonwealth, including the Local Agency Law and the Pennsylvania Floodplain Management Act.

ARTICLE IX. EFFECTIVE DATE

This Ordinance shall take effect June 22, 2020.

ENACTED this 15th day of June, 2020

BOARD OF SUPERVISORS
READING TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA

ATTEST:

Kimberly Beard
Kimberly Beard, Secretary

Kevin Holtzinger
Kevin Holtzinger, Chairman

Gregory Heefner
Gregory Heefner, Vice-Chairman

SEAL:

Jason Phillips
Jason Phillips, Supervisor