

BOROUGH OF MUNCY  
ORDINANCE NO. 537

Floodplain Ordinance as Amended

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# Floodplain Ordinance as Amended

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BOROUGH OF MUNCY  
ORDINANCE NO. 537

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF MUNCY 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.

ARTICLE I. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Muncy does hereby order as follows.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 2.02 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Muncy unless a Permit has been obtained from the Floodplain Administrator.
- B. A Permit shall not be required for minor repairs to existing buildings or structures.

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105 Section 2.03 Abrogation and Greater Restrictions

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

110 Section 2.04 Severability

111 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be  
112 declared invalid for any reason whatsoever, such a decision shall not affect the remaining  
113 portions of the Ordinance, which shall remain in full force and effect, and for this purpose the  
114 provisions of this Ordinance are hereby declared to be severable.

115 Section 2.05 Warning and Disclaimer of Liability

116 The degree of flood protection sought by the provisions of this Ordinance is considered  
117 reasonable for regulatory purposes and is based on accepted engineering methods of study.  
118 Larger floods may occur or flood heights may be increased by man-made or natural causes, such  
119 as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas  
120 outside any identified floodplain areas, or that land uses permitted within such areas will be free  
121 from flooding or flood damages.

122  
123 This Ordinance shall not create liability on the part of the Borough of Muncy or any officer or  
124 employee thereof for any flood damages that result from reliance on this Ordinance or any  
125 administrative decision lawfully made thereunder.

126  
127 **ARTICLE III. ADMINISTRATION**

128 Section 3.01 Designation of the Floodplain Administrator

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

138  
139 In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are  
140 to be fulfilled by the Borough Manager.

141 Section 3.02 Permits Required

142 A Permit shall be required before any construction or development is undertaken within any area  
143 of the Borough of Muncy.

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- 144 Section 3.03 Duties and Responsibilities of the Floodplain Administrator
- 145 A. The Floodplain Administrator shall issue a Permit only after it has been determined that  
146 the proposed work to be undertaken will be in conformance with the requirements of this  
147 and all other applicable codes and ordinances.
- 148 B. Prior to the issuance of any permit, the Floodplain Administrator shall review the  
149 application for the permit to determine if all other necessary government permits required  
150 by state and federal laws have been obtained, such as those required by the Pennsylvania  
151 Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and  
152 Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act  
153 (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C.  
154 1344. No permit shall be issued until this determination has been made.
- 155 C. During the construction period, the Floodplain Administrator or other authorized official  
156 shall inspect the premises to determine that the work is progressing in compliance with  
157 the information provided on the permit application and with all applicable municipal laws  
158 and ordinances. He/she shall make as many inspections during and upon completion of  
159 the work as are necessary.
- 160 D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to  
161 enter any building, structure, premises or development in the identified floodplain area,  
162 upon presentation of proper credentials, at any reasonable hour to enforce the provisions  
163 of this ordinance.
- 164 E. In the event the Floodplain Administrator discovers that the work does not comply with  
165 the permit application or any applicable laws and ordinances, or that there has been a  
166 false statement or misrepresentation by any applicant, the Floodplain Administrator shall  
167 revoke the Permit and report such fact to the Borough Council for whatever action it  
168 considers necessary.
- 169 F. The Floodplain Administrator shall maintain in perpetuity all records associated with the  
170 requirements of this ordinance including, but not limited to, finished construction  
171 elevation data, permitting, inspection and enforcement.
- 172 G. The Floodplain Administrator is the official responsible for submitting a biennial report  
173 to FEMA concerning community participation in the National Flood Insurance Program.
- 174 H. The responsibility, authority and means to implement the commitments of the Floodplain  
175 Administrator can be delegated from the person identified. However, the ultimate  
176 responsibility lies with the person identified in the floodplain ordinance as the floodplain  
177 administrator/manager.
- 178 I. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the  
179 2009 IBC and the 2009 IRC or latest revisions thereof.

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180 Section 3.04 Application Procedures and Requirements

181 A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator  
182 on forms supplied by the Borough of Muncy. Such application shall contain the  
183 following:

- 184 1. Name and address of applicant.
- 185 2. Name and address of owner of land on which proposed construction is to occur.
- 186 3. Name and address of contractor.
- 187 4. Site location including address.
- 188 5. Listing of other permits required.
- 189 6. Brief description of proposed work and estimated cost, including a breakout of  
190 flood-related cost and the market value of the building before the flood damage  
191 occurred where appropriate.
- 192 7. A plan of the site showing the exact size and location of the proposed construction  
193 as well as any existing buildings or structures.

194 B. If any proposed construction or development is located entirely or partially within any  
195 identified floodplain area, applicants for Permits shall provide all the necessary  
196 information in sufficient detail and clarity to enable the Floodplain Administrator to  
197 determine that:

- 198 1. all such proposals are consistent with the need to minimize flood damage and  
199 conform with the requirements of this and all other applicable codes and  
200 ordinances;
- 201 2. all utilities and facilities, such as sewer, gas, electrical and water systems are  
202 located and constructed to minimize or eliminate flood damage;
- 203 3. adequate drainage is provided so as to reduce exposure to flood hazards;
- 204 4. structures will be anchored to prevent floatation, collapse, or lateral movement;
- 205 5. building materials are flood-resistant;
- 206 6. appropriate practices that minimize flood damage have been used; and
- 207 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other  
208 service facilities have been designed and located to prevent water entry or  
209 accumulation.

210 C. Applicants shall file the following minimum information plus any other pertinent  
211 information as may be required by the Floodplain Administrator to make the above

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- 212 determination:
- 213 1. A completed Permit Application Form.
- 214 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being  
215 equal to one hundred (100) feet or less, showing the following:
- 216 a. north arrow, scale, and date;
- 217 b. topographic contour lines, if available;
- 218 c. the location of all existing and proposed buildings, structures, and other  
219 improvements, including the location of any existing or proposed  
220 subdivision and development;
- 221 d. the location of all existing streets, drives, and other access ways; and
- 222 e. the location of any existing bodies of water or watercourses, identified  
223 floodplain areas, and, if available, information pertaining to the  
224 floodway, and the flow of water including direction and velocities.
- 225 3. Plans of all proposed buildings, structures and other improvements, drawn at  
226 suitable scale showing the following:
- 227 a. the proposed lowest floor elevation of any proposed building based upon  
228 North American Vertical Datum of 1988;
- 229 b. the elevation of the base flood;
- 230 c. supplemental information as may be necessary under 34 PA Code, the  
231 2009 IBC or the 2009 IRC.  
232
- 233 4. The following data and documentation:
- 234
- 235 a. detailed information concerning any proposed floodproofing measures  
236 and corresponding elevations.
- 237 b. if available, information concerning flood depths, pressures, velocities,  
238 impact and uplift forces and other factors associated with a base flood;  
239 and Floodway Area (See section 4.02 A) when combined with all other  
240 existing and anticipated development, will not increase the base flood  
241 elevation at any point.
- 242 c. documentation, certified by a registered professional engineer or  
243 architect, to show that the cumulative effect of any proposed  
244 development within an AE Area/District without floodway (See Section  
245 4.02 B) when combined with all other existing and anticipated  
246 development, will not increase the base flood elevation more than one (1)

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247 foot at any point within the community.

248 d. a document, certified by a registered professional engineer or architect,  
249 which states that the proposed construction or development has been  
250 adequately designed to withstand the pressures, velocities, impact and  
251 uplift forces associated with the base flood.

252 Such statement shall include a description of the type and extent of flood  
253 proofing measures which have been incorporated into the design of the  
254 structure and/or the development.

255 e. detailed information needed to determine compliance with Section 5.03  
256 F., Storage, and Section 5.04, Development Which May Endanger  
257 Human Life, including:

258 i. the amount, location and purpose of any materials or substances  
259 referred to in Sections 5.03 F. and 5.04 which are intended to be  
260 used, produced, stored or otherwise maintained on site.

261 ii. a description of the safeguards incorporated into the design of  
262 the proposed structure to prevent leaks or spills of the dangerous  
263 materials or substances listed in Section 5.04 during a base  
264 flood.

265 f. the appropriate component of the Department of Environmental  
266 Protection's "Planning Module for Land Development."

267 g. where any excavation or grading is proposed, a plan meeting the  
268 requirements of the Department of Environmental Protection, to  
269 implement and maintain erosion and sedimentation control.

270 D. Applications for Permits shall be accompanied by a fee, payable to the municipality  
271 based upon the estimated cost of the proposed construction as determined by the  
272 Floodplain Administrator.

### 273 Section 3.05 Review of Application by Others

274 A copy of all plans and applications for any proposed construction or development in any  
275 identified floodplain area to be considered for approval may be submitted by the Floodplain  
276 Administrator to any other appropriate agencies and/or individuals (e.g. county planning  
277 department, planning commission, municipal engineer, etc.) for review and comment.

### 278 Section 3.06 Changes

279 After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be  
280 made to the application, permit or any of the plans, specifications or other documents submitted  
281 with the application without the written consent or approval of the Floodplain Administrator.  
282 Requests for any such change shall be in writing, and shall be submitted by the applicant to  
283 Floodplain Administrator for consideration.



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284 Section 3.07 Placards

285 In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be  
286 displayed on the premises during the time construction is in progress. This placard shall show  
287 the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

288 Section 3.08 Start of Construction

289 Work on the proposed construction or development shall begin within 180 days after the date of  
290 issuance of the development permit. Work shall also be completed within twelve (12) months  
291 after the date of issuance of the permit or the permit shall expire unless a time extension is  
292 granted, in writing, by the Floodplain Administrator. The issuance of development permit does  
293 not refer to the zoning approval.

294  
295 The actual start of construction means either the first placement of permanent construction of a  
296 structure on a site, such as the pouring of slab or footings, the installation of piles, the  
297 construction of columns, or any work beyond the stage of excavation; or the placement of a  
298 manufacture home on a foundation. Permanent construction does not include land preparation,  
299 such as clearing, grading, and filling; nor does it include the installation of streets and/or  
300 walkways; nor does it include excavation for a basement, footings, piers, or foundations or the  
301 erection of temporary forms; nor does it include the installation on the property of accessory  
302 buildings, such as garages or sheds not occupied as dwelling units or not part of the main  
303 structure. For a substantial improvement, the actual start of construction means the first,  
304 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that  
305 alteration affects the external dimensions of the building.

306  
307 Time extensions shall be granted only if a written request is submitted by the applicant, who sets  
308 forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request  
309 and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the  
310 extension is granted.

311 Section 3.09 Enforcement

312 A. Notices

313  
314 Whenever the Floodplain Administrator or other authorized municipal representative  
315 determines that there are reasonable grounds to believe that there has been a violation of  
316 any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the  
317 Floodplain Administrator shall give notice of such alleged violation as hereinafter  
318 provided. Such notice shall:

- 319 1. be in writing;
- 320 2. include a statement of the reasons for its issuance;
- 321 3. allow a reasonable time not to exceed a period of thirty (30) days for the  
322 performance of any act it requires;
- 323 4. be served upon the property owner or his agent as the case may require;

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324 provided, however, that such notice or order shall be deemed to have been  
325 properly served upon such owner or agent when a copy thereof has been  
326 served with such notice by any other method authorized or required by the  
327 laws of this State;

328 5. contain an outline of remedial actions which, if taken, will effect compliance  
329 with the provisions of this Ordinance.

### 330 B. Penalties

331  
332 Any person who fails to comply with any or all of the requirements or provisions of this  
333 Ordinance or who fails or refuses to comply with any notice, order of direction of the  
334 Floodplain Administrator or any other authorized employee of the municipality shall be  
335 guilty of a summary offense and upon conviction shall pay a fine to Muncy Borough, of  
336 not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00)  
337 plus costs of prosecution. In addition to the above penalties all other actions are hereby  
338 reserved including an action in equity for the proper enforcement of this Ordinance. The  
339 imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance  
340 shall not excuse the violation or noncompliance or permit it to continue. All such persons  
341 shall be required to correct or remedy such violations and noncompliance within a  
342 reasonable time. Any development initiated or any structure or building constructed,  
343 reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may  
344 be declared by the Council to be a public nuisance and abatable as such.

### 345 Section 3.10 Appeals

346 A. Any person aggrieved by any action or decision of the Floodplain Administrator  
347 concerning the administration of the provisions of this Ordinance, may appeal to the  
348 Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after  
349 the decision, determination or action of the Floodplain Administrator.

350 B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in  
351 accordance with the Municipal Planning Code and any other local ordinance.

352 C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief  
353 therefrom by appeal to court, as provided by the laws of this State including the  
354 Pennsylvania Flood Plain Management Act.

355

## 356 ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

### 357 Section 4.01 Identification

358 The identified floodplain area shall be:

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- 359 A. any areas of the Borough of Muncy, classified as Special Flood Hazard Areas (SFHAs)  
360 in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps  
361 (FIRMs) dated June 2, 2016, and issued by the Federal Emergency Management Agency  
362 (FEMA) or the most recent revision thereof, including all digital data developed as part  
363 of the Flood Insurance Study.  
364

365 The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby  
366 adopted by the Borough of Muncy and declared to be a part of this ordinance.

367 Section 4.02 Description and Special Requirements of Identified Floodplain Areas

368 The identified floodplain area shall consist of the following specific areas:

- 369 A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway  
370 and which represent the channel of a watercourse and the adjacent land areas that must be  
371 reserved in order to discharge the base flood without increasing the water surface  
372 elevation by more than one (1) foot at any point. This term shall also include floodway  
373 areas which have been identified in other available studies or sources of information for  
374 those Special Flood Hazard Areas where no floodway has been identified in the FIS and  
375 FIRM.

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

- 382 2. Within any floodway area, no new construction or development shall be allowed,  
383 unless the appropriate permit is obtained from the Department of Environmental  
384 Protection Regional Office.

- 385 B. The AE Area/ Flood Fringe District shall be those areas identified as an AE Zone on the  
386 FIRM included in the FIS prepared by FEMA for which base flood elevations have been  
387 provided.

- 388 1. The AE Area adjacent to the floodway shall be those areas identified as an AE  
389 Zone on the FIRM included in the FIS prepared by FEMA for which base flood  
390 elevations have been provided and a floodway has been delineated.  
391

- 392 C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in  
393 the FIS prepared by FEMA and for which no base flood elevations have been provided.  
394 For these areas, elevation and floodway information from other Federal, State, or other  
395 acceptable sources shall be used when available.  
396

397 In lieu of the above, the municipality may require the applicant to determine the elevation  
398 with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic  
399 analyses shall be undertaken only by professional engineers or others of demonstrated

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400 qualifications, who shall certify that the technical methods used correctly reflect currently  
401 accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in  
402 sufficient detail to allow a thorough technical review by the municipality.

### 403 Section 4.03 Changes in Identification of Area

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

### 411 Section 4.04 Boundary Disputes

412 Should a dispute concerning any identified floodplain boundary arise, an initial determination  
413 shall be made by the Borough of Muncy and any party aggrieved by this decision or  
414 determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the  
415 appellant.

### 416 Section 4.05 Jurisdictional Boundary Changes

417 Prior to development occurring in areas where annexation or other corporate boundary changes  
418 are proposed or have occurred, the community shall review flood hazard data affecting the lands  
419 subject to boundary changes. The community shall adopt and enforce floodplain regulations in  
420 areas subject to annexation or corporate boundary changes which meet or exceed those in CFR  
421 44 60.3.

422

## 423 ARTICLE V. TECHNICAL PROVISIONS

### 424 Section 5.01 General

#### 425 A. Alteration or Relocation of Watercourse

426 1. No encroachment, alteration, or improvement of any kind shall be made to any  
427 watercourse until all adjacent municipalities which may be affected by such  
428 action have been notified by the municipality, and until all required permits or  
429 approvals have first been obtained from the Department of Environmental  
430 Protection Regional Office.

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

434 3. In addition, FEMA and the Pennsylvania Department of Community and  
435 Economic Development, shall be notified prior to any alteration or relocation of  
436 any watercourse.

437 B. When a community proposes to permit the following encroachments:

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- any development that causes a rise in the base flood elevations within the floodway; or

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- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or

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444

- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

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the applicant shall (as per 44 CFR Part 65.12):

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1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

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2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

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3. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

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- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

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### Section 5.02 Elevation and Floodproofing Requirements

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#### A. Residential Structures

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1. In AE, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard.

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2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

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#### B. Non-residential Structures

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1. In AE, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard or be designed and constructed so that the space enclosed below the regulatory flood elevation:
    - 482  
483 a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
    - 484  
485 b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
  - 486  
487  
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490 2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 4.02.C of this ordinance.
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499 3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  - 500  
501  
502  
503 4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
- 504 C. Space below the lowest floor
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510 1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - 511  
512  
513 2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - 514  
515 a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

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516 b. the bottom of all openings shall be no higher than one (1) foot above  
517 grade.

518 c. openings may be equipped with screens, louvers, or other coverings or  
519 devices provided that they permit the automatic entry and exit of  
520 floodwaters.

### 521 D. Historic Structures

522  
523 Historic structures undergoing repair or rehabilitation that would constitute a substantial  
524 improvement as defined in this ordinance, must comply with all ordinance requirements  
525 that do not preclude the structure's continued designation as a historic structure.  
526 Documentation that a specific ordinance requirement will cause removal of the structure  
527 from the National Register of Historic Places or the State Inventory of Historic places  
528 must be obtained from the Secretary of the Interior or the State Historic Preservation  
529 Officer. Any exemption from ordinance requirements will be the minimum necessary to  
530 preserve the historic character and design of the structure.

### 531 E. Accessory structures

532 Structures accessory to a principal building need not be elevated or floodproofed to  
533 remain dry, but shall comply, at a minimum, with the following requirements:

534 1. the structure shall not be designed or used for human habitation, but shall be  
535 limited to the parking of vehicles, or to the storage of tools, material, and  
536 equipment related to the principal use or activity.

537 2. floor area shall not exceed 200 square feet.

538 3. The structure will have a low damage potential.

539 4. the structure will be located on the site so as to cause the least obstruction to the  
540 flow of flood waters.

541 5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

542 6. permanently affixed utility equipment and appliances such as furnaces, heaters,  
543 washers, dryers, etc. are prohibited.

544 7. sanitary facilities are prohibited.

545 8. the structure shall be adequately anchored to prevent flotation, collapse, and  
546 lateral movement and shall be designed to automatically provide for the entry and  
547 exit of floodwater for the purpose of equalizing hydrostatic forces on the walls.  
548 Designs for meeting this requirement must either be certified by a registered  
549 professional engineer or architect, or meet or exceed the following minimum  
550 criteria:

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- 551 a. a minimum of two openings having a net total area of not less than one (1)  
552 square inch for every square foot of enclosed space.
- 553 b. the bottom of all openings shall be no higher than one (1) foot above  
554 grade.
- 555 c. openings may be equipped with screens, louvers, etc. or other coverings or  
556 devices provided that they permit the automatic entry and exit of flood  
557 waters.

### 558 Section 5.03 Design and Construction Standards

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

#### 561 A. Fill 562

563 A. If fill is used, it shall:

- 564 a. extend laterally at least fifteen (15) feet beyond the building line from all  
565 points;
- 566 b. consist of soil or small rock materials only - Sanitary Landfills shall not be  
567 permitted;
- 568 c. be compacted to provide the necessary permeability and resistance to erosion,  
569 scouring, or settling;
- 570 d. be no steeper than one (1) vertical to two (2) horizontal feet unless  
571 substantiated data justifying steeper slopes are submitted to, and approved by  
572 the Floodplain Administrator; and
- 573 e. be used to the extent to which it does not adversely affect adjacent properties.

#### 574 B. Drainage Facilities

575 Storm drainage facilities shall be designed to convey the flow of storm water runoff in a  
576 safe and efficient manner. The system shall ensure proper drainage along streets, and  
577 provide positive drainage away from buildings. The system shall also be designed to  
578 prevent the discharge of excess runoff onto adjacent properties.

#### 579 C. Water and Sanitary Sewer Facilities and Systems

- 580 1. All new or replacement water supply and sanitary sewer facilities and systems  
581 shall be located, designed and constructed to minimize or eliminate flood  
582 damages and the infiltration of flood waters.
- 583 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of  
584 untreated sewage into flood waters.



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585                    3. No part of any on-site waste disposal system shall be located within any identified  
586                    floodplain area except in strict compliance with all State and local regulations for  
587                    such systems. If any such system is permitted, it shall be located so as to avoid  
588                    impairment to it, or contamination from it, during a flood.

589                    4. The design and construction provisions of the UCC and FEMA #348, "Protecting  
590                    Building Utilities From Flood Damages" and "The International Private Sewage  
591                    Disposal Code" shall be utilized.

### 592                    D. Other Utilities

593                    All other utilities such as gas lines, electrical and telephone systems shall be located,  
594                    elevated (where possible) and constructed to minimize the chance of impairment during a  
595                    flood.

### 596                    E. Streets

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

### 599                    F. Storage

600                    All materials that are buoyant, flammable, explosive, or in times of flooding, could be  
601                    injurious to human, animal, or plant life, and not listed in Section 5.04, Development  
602                    Which May Endanger Human Life, shall be stored at or above the Regulatory Flood  
603                    Elevation or floodproofed to the maximum extent possible.

### 604                    G. Placement of Buildings and Structures

605                    All buildings and structures shall be designed, located, and constructed so as to offer the  
606                    minimum obstruction to the flow of water and shall be designed to have a minimum  
607                    effect upon the flow and height of flood water.

### 608                    H. Anchoring

609                    1. All buildings and structures shall be firmly anchored in accordance with accepted  
610                    engineering practices to prevent flotation, collapse, or lateral movement.

611                    2. All air ducts, large pipes, storage tanks, and other similar objects or components  
612                    located below the regulatory flood elevation shall be securely anchored or affixed  
613                    to prevent flotation.

### 614                    I. Floors, Walls and Ceilings

615                    1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed  
616                    to accommodate a lateral expansion of the flooring, perpendicular to the flooring  
617                    grain without causing structural damage to the building.

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- 618  
619
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- 620  
621  
622
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- 623  
624
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
- 625
- J. Paints and Adhesives
- 626  
627
1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- 628  
629
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- 630  
631  
632
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- 633
- K. Electrical Components
- 634  
635
1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- 636  
637
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- 638
- L. Equipment
- 639  
640  
641
- 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 elevation.
- 642
- M. Fuel Supply Systems
- 643  
644  
645  
646
- All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- 647
- N. Uniform Construction Code Coordination
- 648  
649  
650
- The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and

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651 supplement the requirements of this ordinance.

652 International Building Code (IBC) 2009 or the latest edition thereof:  
653 Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

654 International Residential Building Code (IRC) 2009 or the latest edition thereof:  
655 Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

656 Section 5.04 Development Which May Endanger Human Life

657 Within any Identified Floodplain Area, any structure of the kind described in Subsection  
658 A., below, shall be prohibited. If a variance is obtained in accordance with the criteria in  
659 Article VIII, then the following provisions apply: (5.04 D, E, & F)

660 A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations  
661 adopted by the Department of Community and Economic Development as required by the  
662 Act, any new or substantially improved structure which:

- 663 1. will be used for the production or storage of any of the following dangerous  
664 materials or substances; or,
- 665 2. will be used for any activity requiring the maintenance of a supply of more than  
666 550 gallons, or other comparable volume, of any of the following dangerous  
667 materials or substances on the premises; or,
- 668 3. will involve the production, storage, or use of any amount of radioactive  
669 substances;

670 shall be subject to the provisions of this section, in addition to all other applicable  
671 provisions. The following list of materials and substances are considered dangerous to  
672 human life:

- 673
- 674 • Acetone
  - 675 • Ammonia
  - 676 • Benzene
  - 677 • Calcium carbide
  - 678 • Carbon disulfide
  - 679 • Celluloid
  - 680 • Chlorine
  - 681 • Hydrochloric acid
  - 682 • Hydrocyanic acid
  - 683 • Magnesium
  - 684 • Nitric acid and oxides of nitrogen
  - 685 • Petroleum products (gasoline, fuel oil, etc.)
  - 686 • Phosphorus
  - 687 • Potassium
  - 688 • Sodium

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- 689                   • Sulphur and sulphur products  
690                   • Pesticides (including insecticides, fungicides, and rodenticides)  
691                   • Radioactive substances, insofar as such substances are not otherwise regulated.  
692

693           B. Within any Floodway Area, any structure of the kind described in Subsection A., above,  
694           shall be prohibited. Where permitted within any Identified Floodplain Area, any new or  
695           substantially improved residential structure of the kind described in Section 5.04 (A),  
696           above, shall be elevated to remain completely dry up to at least one and one half (1 ½)  
697           feet above base flood elevation and built in accordance with Sections 5.01, 5.02 and 5.03.

698           C. Where permitted within any Identified Floodplain Area, any new or substantially  
699           improved non-residential structure of the kind described in Section 5.04 (A) above, shall  
700           be built in accordance with Sections 5.01, 5.02 and 5.03 including:

- 701                   1. elevated, or designed and constructed to remain completely dry up to at least one  
702                   and one half (1 ½) feet above base flood elevation, and  
703                   2. designed to prevent pollution from the structure or activity during the course of a  
704                   base flood.

705                   Any such structure, or part thereof, that will be built below the regulatory flood  
706                   elevation shall be designed and constructed in accordance with the standards for  
707                   completely dry floodproofing contained in the publication "Flood-Proofing  
708                   Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992),  
709                   or with some other equivalent watertight standard.

### 710   Section 5.05   Special Requirements for Subdivisions and Development

711   All subdivision proposals and development proposals containing at least 50 lots or at least 5  
712   acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are  
713   not available, shall be supported by hydrologic and hydraulic engineering analyses that  
714   determine base flood elevations and floodway information. The analyses shall be prepared by a  
715   licensed professional engineer in a format required by FEMA for a Conditional Letter of Map  
716   Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the  
717   responsibility of the applicant.

### 718   Section 5.06   Special Requirements for Manufactured Homes

719           A. For the purpose of this Article, the term mobile home shall also include park trailers,  
720           travel trailers, recreational vehicles, and other similar types of manufactured homes  
721           which are placed on a site for more than one-hundred eighty (180) consecutive days.  
722

723           B. Where permitted within any Identified Floodplain Area, all manufactured homes, and any  
724           improvements thereto, shall be:

- 725                   1. placed on a permanent foundation;  
726                   2. elevated so that the bottom of the lowest floor of the manufactured home is at

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- 727 least one and one half (1 ½) feet above base flood elevation;  
728 3. and anchored to resist flotation, collapse, or lateral movement.  
729  
730 4. and have all ductwork and utilities including HVAC/heat pump elevated to the  
731 Regulatory Flood Elevation.  
732

733 C. Installation of manufactured homes shall be done in accordance with the manufacturers'  
734 installation instructions as provided by the manufacturer. Where the applicant cannot  
735 provide the above information, the requirements of Appendix E of the 2009  
736 "International Residential Building Code" or the "U.S. Department of Housing and  
737 Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition,  
738 draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.

739 D. Consideration shall be given to the installation requirements of the 2009 IBC, and the  
740 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where  
741 appropriate and/or applicable to units where the manufacturers' standards for anchoring  
742 cannot be provided or were not established for the proposed unit(s) installation.

### 743 Section 5.07 Special Requirements for Recreational Vehicles

744 Recreational vehicles in Zones A and AE must either:

- 745  
746 1. be on the site for fewer than 180 consecutive days, and  
747 2. be fully licensed and ready for highway use,  
748 or  
749 3. meet the permit requirements for manufactured homes in Section 5.06.

## 750 751 ARTICLE VI. PROHIBITED ACTIVITIES

### 752 Section 6.01 General

753 In accordance with the administrative regulations promulgated by the Department of Community  
754 and Economic Development to implement the Pennsylvania Flood Plain Management Act, the  
755 following activities shall be prohibited within any Identified Floodplain Area:

- 756 A. The commencement of any of the following activities; or the construction, enlargement,  
757 or expansion of any structure used, or intended to be used, for any of the following  
758 activities:
- 759 1. Hospitals  
760 2. Nursing homes

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761 3. Jails or prisons

762 B. The commencement of, or any construction of, a new manufactured home park or  
763 manufactured home subdivision, or substantial improvement to an existing manufactured  
764 home park or manufactured home subdivision.

765 ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

766 Section 7.01 Existing Structures

767 The provisions of this Ordinance do not require any changes or improvements to be made to  
768 lawfully existing structures. However, when an improvement is made to any existing structure,  
769 the provisions of Section 7.02 shall apply.

770 Section 7.02 Improvements

771 The following provisions shall apply whenever any improvement is made to an existing structure  
772 located within any Identified Floodplain Area:

773 A. No expansion or enlargement of an existing structure shall be allowed within any  
774 Floodway Area/District that would cause any increase in BFE.

775 B. No expansion or enlargement of an existing structure shall be allowed within AE  
776 Area/District without floodway that would, together with all other existing and  
777 anticipated development, increase the BFE more than one (1) foot at any point.

778 C. Any modification, alteration, reconstruction, or improvement of any kind to an existing  
779 structure to an extent or amount of fifty (50) percent or more of its market value, shall  
780 constitute a substantial improvement and shall be undertaken only in full compliance with  
781 the provisions of this Ordinance.

782 D. The above activity shall also address the requirements of the 34 PA Code, as amended  
783 and the 2009 IBC and the 2009 IRC.

784 E. Within any Floodway Area/District (See Section 4.02 A), no new construction or  
785 development shall be allowed, unless the appropriate permit is obtained from the  
786 Department of Environmental Protection Regional Office

787 F. Within any AE Area/District without Floodway (See Section 4.02 B), no new construction  
788 or development shall be located within the area measured fifty (50) feet landward from  
789 the top-of-bank of any watercourse, unless the appropriate permit is obtained from the  
790 Department of Environmental Protection Regional Office.

791 ARTICLE VIII VARIANCES

792

793 Section 8.01 General

794 If compliance with any of the requirements of this Ordinance would result in an exceptional  
795 hardship to a prospective builder, developer or landowner, the Borough of Muncy's Zoning

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796 Hearing board may, upon request, grant relief from the strict application of the requirements.  
797

798 8.02 Variance Procedures and Conditions

799 Requests for variances shall be considered by the Zoning Hearing Board in accordance with the  
800 procedures contained in Section 3.10 and the following:  
801

802 A. No variance shall be granted for any construction, development, use, or activity within  
803 any Floodway Area/District that would cause any increase in the BFE.

804 B. No variance shall be granted for any construction, development, use, or activity within  
805 any AE Area/District without floodway that would, together with all other existing and  
806 anticipated development, increase the BFE more than one (1) foot at any point.

807 C. Except for a possible modification of the regulatory flood elevation requirement  
808 involved, no variance shall be granted for any of the other requirements pertaining  
809 specifically to development regulated by Development Which May Endanger Human  
810 Life (Section 5.04).

811 D. No variance shall be granted for Prohibited Activities (Article VI).

812 E. If granted, a variance shall involve only the least modification necessary to provide relief.

813 F. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable  
814 conditions and safeguards it considers necessary in order to protect the public health,  
815 safety, and welfare, and to achieve the objectives of this Ordinance.

816 G. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in  
817 writing that:

818 1. The granting of the variance may result in increased premium rates for flood  
819 insurance.

820 2. Such variances may increase the risks to life and property.

821 H. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a  
822 minimum, the following:

823 1. That there is good and sufficient cause.

824 2. That failure to grant the variance would result in exceptional hardship to the  
825 applicant.

826 3. That the granting of the variance will

827 a. neither result in an unacceptable or prohibited increase in flood heights,  
828 additional threats to public safety, or extraordinary public expense,

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829                           b. nor create nuisances, cause fraud on, or victimize the public, or conflict  
830                           with any other applicable state or local ordinances and regulations.

831           I. A complete record of all variance requests and related actions shall be maintained by the  
832           Borough of Muncy. In addition, a report of all variances granted during the year shall be  
833           included in the annual report to the FEMA.

834   Notwithstanding any of the above, however, all structures shall be designed and constructed so  
835   as to have the capability of resisting the one-percent (1%) annual chance flood.

836

837

### 838   ARTICLE IX. DEFINITIONS

#### 839           Section 9.01   General

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

#### 842           Section 9.02   Specific Definitions

- 843           1. Accessory use or structure - a use or structure on the same lot with, and of a nature  
844           customarily incidental and subordinate to, the principal use or structure.
- 845           2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any  
846           given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
- 847           3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a  
848           given location within a given time, usually expressed in cubic feet per second (cfs).
- 849           4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map  
850           (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting  
851           from a flood that has a 1-percent or greater chance of being equaled or exceeded in any  
852           given year.
- 853           5. Basement - any area of the building having its floor below ground level on all sides.
- 854           6. Building - a combination of materials to form a permanent structure having walls and a  
855           roof. Included shall be all manufactured homes and trailers to be used for human  
856           habitation.
- 857           7. Development - any man-made change to improved or unimproved real estate, including  
858           but not limited to the construction, reconstruction, renovation, repair, expansion, or  
859           alteration of buildings or other structures; the placement of manufactured homes; streets,  
860           and other paving; utilities; filling, grading and excavation; mining; dredging; drilling  
861           operations; storage of equipment or materials; and the subdivision of land.
- 862           8. Existing manufactured home park or subdivision – a manufactured home park or  
863           subdivision for which the construction of facilities for servicing the lots on which the  
864           manufactured homes are to be affixed (including, at a minimum, the installation of



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- 865 utilities, the construction of streets, and either final site grading or the pouring of concrete  
866 pads) is completed before the effective date of the floodplain management regulations  
867 adopted by a community.
- 868 9. Expansion to an existing manufactured home park or subdivision – the preparation of  
869 additional sites by the construction of facilities for servicing the lots on which the  
870 manufactured homes are to be affixed (including the installation of utilities, the  
871 construction of streets, and either final site grading or the pouring of concrete pads).
- 872 10. Flood - a temporary inundation of normally dry land areas.
- 873 11. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency  
874 Management Agency has delineated both the areas of special flood hazards and the risk  
875 premium zones applicable to the community.
- 876 12. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency  
877 Management Agency that includes flood profiles, the Flood Insurance Rate Map, the  
878 Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- 879 13. Floodplain area - a relatively flat or low land area which is subject to partial or complete  
880 inundation from an adjoining or nearby stream, river or watercourse; and/or any area  
881 subject to the unusual and rapid accumulation of surface waters from any source.
- 882 14. Floodproofing - any combination of structural and nonstructural additions, changes, or  
883 adjustments to structures which reduce or eliminate flood damage to real estate or  
884 improved real property, water and sanitary facilities, structures and their contents.
- 885 15. Floodway - the channel of a river or other watercourse and the adjacent land areas that  
886 must be reserved in order to discharge the base flood without cumulatively increasing the  
887 water surface elevation more than one foot.
- 888 16. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to  
889 construction next to the proposed walls of a structure.
- 890 17. Historic structures – any structure that is:
- 891 a. Listed individually in the National Register of Historic Places (a listing  
892 maintained by the Department of Interior) or preliminarily determined by the  
893 Secretary of the Interior as meeting the requirements for individual listing on the  
894 National Register;
- 895 b. Certified or preliminarily determined by the Secretary of the Interior as  
896 contributing to the historical significance of a registered historic district or a  
897 district preliminarily determined by the Secretary to qualify as a registered  
898 historic district;
- 899 c. Individually listed on a state inventory of historic places in states which have been  
900 approved by the Secretary of the Interior; or

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- 901 d. Individually listed on a local inventory of historic places in communities with  
902 historic preservation that have been certified either:
- 903 i. By an approved state program as determined by the Secretary of the  
904 Interior or
- 905 ii. Directly by the Secretary of the Interior in states without approved  
906 programs.
- 907 18. Identified Floodplain Area- This term is an umbrella term that includes all of the areas  
908 within which the community has selected to enforce floodplain regulations. It will  
909 always include the area identified as the Special Flood Hazard Area on the Flood  
910 Insurance Rate Maps and Flood Insurance Study, but may include additional areas  
911 identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas  
912 the community has included in the Identified Floodplain Area.
- 913 19. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement).  
914 An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles,  
915 building access, and incidental storage, in an area other than a basement area is not  
916 considered the lowest floor of a building, provided that such space is not designed and  
917 built so that the structure is in violation of the applicable non-elevation design  
918 requirements of this ordinance.
- 919 20. Manufactured home - a structure, transportable in one or more sections, which is built on  
920 a permanent chassis, and is designed for use with or without a permanent foundation  
921 when attached to the required utilities. The term includes park trailers, travel trailers,  
922 recreational and other similar vehicles which are placed on a site for more than 180  
923 consecutive days.
- 924 21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided  
925 into two or more manufactured home lots for rent or sale.
- 926 22. New construction - structures for which the start of construction commenced on or after  
927 June 2, 2016, and includes any subsequent improvements to such structures. Any  
928 construction started after February 16, 1977, and before June 2, 2016, is subject to the  
929 ordinance in effect at the time the permit was issued, provided the start of construction  
930 was within 180 days of permit issuance.
- 931
- 932 23. New manufactured home park or subdivision – a manufactured home park or subdivision  
933 for which the construction of facilities for servicing the lots on which the manufactured  
934 homes are to be affixed (including at a minimum, the installation of utilities, the  
935 construction of streets, and either final site grading or the pouring of concrete pads) is  
936 completed on or after the effective date of floodplain management regulations adopted by  
937 a community.
- 938 24. Person - an individual, partnership, public or private association or corporation, firm,  
939 trust, estate, municipality, governmental unit, public utility or any other legal entity

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- 940            whatsoever, which is recognized by law as the subject of rights and duties.
- 941            25. Post-FIRM Structure - is a structure for which construction or substantial improvement  
942            occurred after December 31, 1974 or on or after the community's initial Flood Insurance  
943            Rate Map (FIRM) dated February 16, 1977, whichever is later, and, as such, would be  
944            required to be compliant with the regulations of the National Flood Insurance Program.
- 945            26. Pre-FIRM Structure - is a structure for which construction or substantial improvement  
946            occurred on or before December 31, 1974 or before the community's initial Flood  
947            Insurance Rate Map (FIRM) dated February 16, 1977, whichever is later, and, as such,  
948            would not be required to be compliant with the regulations of the National Flood  
949            Insurance Program.
- 950            27. Recreational vehicle - a vehicle which is:
- 951                a. built on a single chassis;
- 952                b. not more than 400 square feet, measured at the largest horizontal projections;
- 953                c. designed to be self-propelled or permanently towable by a light-duty truck,
- 954                d. not designed for use as a permanent dwelling but as temporary living quarters for  
955                recreational, camping, travel, or seasonal use.
- 956            28. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as  
957            determined using simplified methods plus a freeboard safety factor of one and one-half (1  
958            ½) feet.
- 959            29. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent  
960            or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO,  
961            A1-A30, AE, A99, or, AH.
- 962            30. Start of construction - includes substantial improvement and other proposed new  
963            development and means the date the Permit was issued, provided the actual start of  
964            construction, repair, reconstruction, rehabilitation, addition, placement, or other  
965            improvement was within 180 days after the date of the permit and shall be completed  
966            within twelve (12) months after the date of issuance of the permit unless a time extension  
967            is granted, in writing, by the Floodplain Administrator. The actual start means either the  
968            first placement of permanent construction of a structure on a site, such as the pouring of  
969            slab or footings, the installation of piles, the construction of columns, or any work  
970            beyond the stage of excavation; or the placement of a manufacture home on a foundation.  
971            Permanent construction does not include land preparation, such as clearing, grading, and  
972            filling; nor does it include the installation of streets and walkways; nor does it include  
973            excavation for a basement, footings, piers, or foundations or the erection of temporary  
974            forms; nor does it include the installation on the property of accessory buildings, such as  
975            garages or sheds not occupied as dwelling units or not part of the main structure. For a  
976            substantial improvement, the actual start of construction means the first alteration of any  
977            wall, ceiling, floor, or other structural part of a building, whether or not that alteration

## Floodplain Ordinance as Amended

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- 978 affects the external dimensions of the building.
- 979 31. Structure – a walled and roofed building, including a gas or liquid storage tank that is  
980 principally above ground, as well as a manufactured home.
- 981 32. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into  
982 two or more lots, tracts, parcels or other divisions of land including changes in existing  
983 lot lines for the purpose, whether immediate or future, of lease, partition by the court for  
984 distribution to heirs, or devisees, transfer of ownership or building or lot development:  
985 Provided, however, that the subdivision by lease of land for agricultural purposes into  
986 parcels of more than ten acres, not involving any new street or easement of access or any  
987 residential dwelling, shall be exempted.
- 988 33. Substantial damage - damage from any cause sustained by a structure whereby the cost of  
989 restoring the structure to its before-damaged condition would equal or exceed fifty (50)  
990 percent or more of the market value of the structure before the damage occurred.
- 991 34. Substantial improvement - any reconstruction, rehabilitation, addition, or other  
992 improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the  
993 market value of the structure before the "start of construction" of the improvement. This  
994 term includes structures which have incurred "substantial damage" regardless of the  
995 actual repair work performed. The term does not, however, include any project for  
996 improvement of a structure to correct existing violations of state or local health, sanitary,  
997 or safety code specifications which have been identified by the local code enforcement  
998 official and which are the minimum necessary to assure safe living conditions.
- 999 35. Uniform Construction Code (UCC) – The statewide building code adopted by The  
1000 Pennsylvania General Assembly in 1999 applicable to new construction in all  
1001 municipalities whether administered by the municipality, a third party or the Department  
1002 of Labor and Industry. Applicable to residential and commercial buildings, The Code  
1003 adopted The International Residential Code (IRC) and the International Building Code  
1004 (IBC), by reference, as the construction standard applicable with the State floodplain  
1005 construction. For coordination purposes, references to the above are made specifically to  
1006 various sections of the IRC and the IBC.
- 1007 36. Variance- A grant of relief by a community from the terms of a floodplain management  
1008 regulation.
- 1009 37. Violation - means the failure of a structure or other development to be fully compliant  
1010 with the community's floodplain management regulations. A structure or other  
1011 development without the elevation certificate, other certifications, or other evidence of  
1012 compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)  
1013 is presumed to be in violation until such time as that documentation is provided.
- 1014

Floodplain Ordinance as Amended

1015 ARTICLE X. ENACTMENT

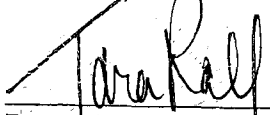
1016 Section 10.01 Adoption


1017 This Ordinance shall be effective on June 2, 2016 and shall remain in force until modified,  
1018 amended or rescinded by Borough of Muncy, Lycoming County, Pennsylvania.

1019  
1020 ENACTED AND ADOPTED by the Muncy Borough Council this 16<sup>th</sup> day of May,  
1021 2016.  
1022  
1023

1024 ATTEST:

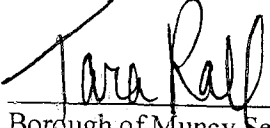
COUNCIL OF THE BOROUGH OF MUNCY

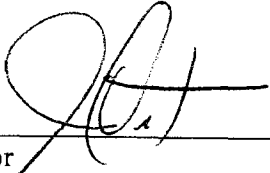
1025  
1026   
1027 \_\_\_\_\_  
1028 Borough of Muncy Secretary

By:   
Borough Council President

1029  
1030  
1031 APPROVED, this 16<sup>th</sup> day of May, 2016, by the Mayor of the Borough of Muncy  
1032

1033 ATTEST:

1034  
1035   
1036 \_\_\_\_\_  
1037 Borough of Muncy Secretary

  
\_\_\_\_\_  
Mayor

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1040  
1041