

**FELTON BOROUGH  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 2009-03**

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**AN ORDINANCE OF THE BOROUGH COUNCIL OF FELTON BOROUGH, YORK COUNTY, PENNSYLVANIA, TO AMEND ORDINANCE NO. 1981-1, ENTITLED "THE FELTON BOROUGH BUILDING PERMIT ORDINANCE", PROVIDING THE REQUIREMENTS FOR ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; MODIFYING CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH WHICH ARE SUBJECT TO FLOODING; AND PROVIDING THE PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.**

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**BE IT ENACTED and ORDAINED** by the Borough Council of Felton Borough, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Ordinance No. 1981-1 entitled the "Felton Borough Building Permit Ordinance" is hereby amended and restated in its entirety as follows:

**ARTICLE I GENERAL PROVISIONS**

**Section 1.00 Title**

This Ordinance shall be known as the Felton Borough Building Permit and Flood Plan Management Ordinance.

**Section 1.01 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 flood plain management requirements.

**Section 1.02 Warning and Disclaimer of Liability**

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

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

**Section 1.03 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 unless a Building Permit has been obtained from the Building Permit Officer.
- B. A Building Permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

**Section 1.04 Abrogation and Greater Restrictions**

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

**Section 1.05 Severability**

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

**ARTICLE II ADMINISTRATION**

**Section 2.00 Building Permits Required**

Building Permits shall be required before any construction or development is undertaken within any area of the Borough.

## **Section 2.01 Issuance of Building Permit**

- A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any zoning permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Building permit, the Development/Building Permit Officer shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

## **Section 2.02 Application Procedures and Requirements**

- A. Application for a Building Permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. Such application shall contain the following:
  - 1. Name and address of applicant.
  - 2. Name and address of owner of land on which proposed construction is to occur.
  - 3. Name and address of contractor and architect, if any.
  - 4. Site location including address and zoning district.
  - 5. Listing of other permits required.
  - 6. The proposed lowest floor and basement elevations in relation to the mean sea level, i.e., North American Vertical Datum of 1988.
  - 7. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
  - 8. A drawing or plan of the site showing the exact size and location of the proposed construction and dimensions of the lot and the location of the proposed

construction or development as well as any existing buildings or structures on the lot.

9. All other information which may be required to enable the Building Permit Officer to determine whether the provisions of this Ordinance and all other ordinances of the Borough have been, and will be, complied with.
- B. If any proposed construction or development is located entirely or partially within any identified flood plain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
  2. All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.
  3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:
1. A completed Building Permit Application Form.
  2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a. North arrow, scale, and date.
    - b. Topographic contour lines, if available.
    - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
    - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
    - e. The location of all existing streets, drives, and other access ways.
    - f. The location of any existing bodies of water or watercourses, identified flood plain areas, and, if available information pertaining to the floodway, and the flow of water including direction and velocities.
  3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
    - b. The elevation of the one hundred (100) year flood.
    - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred

- (100) year flood.
  - d. Detailed information concerning any proposed floodproofing measures.
  - e. Supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec. 1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.
4. The following data and documentation:
- a. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Flood Plain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
  - b. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.  
  
Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
  - c. Detailed information needed to determine compliance with Section 4.03 F., Storage, and Section 4.04, Development Which May Endanger Human Life, including:
    - 1) The amount, location and purpose of any materials or substances referred to in Sections 4.03 F. and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.
    - 2) 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 Section 4.04 during a one hundred (100) year flood.
  - d. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - e. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

**Section 2.03 Review by County Conservation District**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Official to the York County Conservation District for review and comment prior to the issuance of a building permit. A copy of all such applications, plans and recommendations made by the York County Planning Conservation District shall be considered by the Building Official for possible incorporation into the proposed plan. If, after submission of the application to the York

County Conservation District, no correspondence is received from the District within the District's standard or allowable review time (but not longer than thirty (30) days), this shall represent an approval of the application by the York County Conservation District.

#### **Section 2.04 Review of Application by Others**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Official to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment. If after submission of the application to any of these appropriate agencies no correspondence is received within such agency's standard or allowable review time (but not longer than thirty (30) days), this shall represent approval of the application from the agency and the application process shall proceed accordingly.

#### **Section 2.05 Changes**

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

#### **Section 2.06 Placards**

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit the date of its issuance and be signed by the Building Permit Officer.

#### **Section 2.07 Start and Completion of Construction**

Work on the proposed construction and/or development shall begin within three (3) months and shall be completed within twelve (12) months after the date of issuance of the Building Permit or the Building Permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

In the case of large or extensive projects, the applicant may request specify an estimated project completion date and upon concurrence of the Building Permit Officer, the Building Permit shall expire on such date, or in the alternative the Building Permit Officer may specify a time period for completion in such cases to a period not exceeding two (2) years from the date of issuance of the permit.

Within ninety (90) days from or after the date of completion of the work authorized by the Building Permit, the applicant shall file with the Building Permit Officer, on a form provided for that purpose, a report certifying the completion of the work and setting forth the actual cost thereof, and shall pay the Building Permit Officer any additional fee provided for herein.

### **Section 2.08 Inspection and Revocation**

- A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Building Permit Officer or other authorized official shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood plain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.
- D. A record of all such inspections and violations of this ordinance shall be maintained.
- E. The requirements of the 34 PA Code Chapter 401-405 and the IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

### **Section 2.09 Fees**

- A. Applications for a Building Permit shall be accompanied by a fee, payable to the Borough based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:
  - 1. From \$0.00 to \$25,000.00 - \$2.00 per \$1,000.00 or part thereof.
  - 2. From \$25,000.00 to \$50,000.00 - \$50.00 for the first \$25,000.00 plus \$1.75 per each additional \$1,000.00 or part thereof.
  - 3. From \$50,000.00 to \$100,000.00 - \$93.75 for the first \$50,000.00 plus \$1.50 per each additional \$1,000.00 or part thereof.
  - 4. Over \$100,000.00 - \$168.75 for the first \$100,000.00 plus \$1.00 per each additional \$1,000.00 or part thereof.

Provided, however, that the minimum fee for any permit shall be ten (\$10.00) dollars. Such fee shall be in addition to any other fee required under any other ordinance of the

Borough as a condition of the issuance of a Building Permit.

- B. At the time of filing by the applicant of the report of completion hereinafter provided for, the applicant shall simultaneously therewith pay to the Building Permit Officer any additional fee based upon the difference between the estimated cost of construction or development and the actual cost.
- C. In the case of a Building Permit issued for the demolition of a building or structure or the moving of an existing building or structure to a different location on the same lot, the fee shall be based upon the cost of such demolition or of such removal.
- D. In the case of a Building Permit issued for the moving of an existing building or structure to a different lot, the fee shall be based upon the estimated cost of new construction of a similar building or structure in its completed condition upon the new lot.
- E. In addition to the above fees to be paid by the applicant, in all cases where the proposed construction or development is located within, or partially within, any identified flood plain area, the applicant shall be required to pay or reimburse the Borough for all costs actually incurred or expended by the Borough in connection with the review and/or granting of the application, including but not limited to legal, engineering or other professional fees or costs, fees or costs in connection with the inspection of the improvements during inspection and final inspection upon completion of construction necessary to insure compliance with all of the provisions of this Ordinance. It shall be a condition of granting of any Building Permit that the Borough be paid or reimbursed for all such costs and expenses incurred.

### **Section 2.10 Enforcement**

#### A. Notices

Whenever the Building Permit Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

#### B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Building Official or any other authorized employee of the municipality shall be subject to



civil proceedings and, upon judgment, shall pay a fine to Borough of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution and attorney's fees. In addition, the court hearing the violation shall assess against the violator any expenses incurred by the Borough to address any emergency remedial action required for the safety of persons and property in regard to the violation. Any civil judgment entered pursuant to this section shall have the status of a municipal lien for enforcement purposes. Each day during which any violation of this ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such at the cost of the noncompliant party.

### **Section 2.11 Appeals**

- A. Any person aggrieved by any action or decision of the Building Official concerning the administration of the provisions of this Ordinance, may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Official.
- B. Any person aggrieved by any action or decision of the Building Official concerning the issuance or denial of a Building Permit, may appeal to the York County Uniform Construction Code Board of Appeals ("Board of Appeals"). Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Official.
- C. Upon receipt of such appeal the Borough Council or the Board of Appeals shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- D. Any person aggrieved by any decision of the Borough Council or the Board of Appeals may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

## **ARTICLE III IDENTIFICATION OF FLOOD PLAIN AREAS**

### **Section 3.00 Identification**

The identified flood plain area shall be any areas of Felton Borough, York County, Pennsylvania, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated Preliminary September 25, 2009 and the accompanying Flood Insurance Rate Maps (FIRMs) or the most recent revision thereof as issued

by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

### **Section 3.01 Description of Flood Plain Areas**

The identified flood plain area shall consist of the following specific areas:

- A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study.
- B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year flood plain in those areas identified as an AE Zone in the Flood Insurance study, where a Floodway Area has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

- C. FE (Special Flood Plain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no Floodway Area has been delineated.
- D. FA (General Flood Plain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a Floodway Area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified flood plain area which is nearest the construction site in question.

In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

### **Section 3.02 Changes in Identification of Area**

The identified flood plain area may be revised or modified by the Borough where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

### **Section 3.03 Boundary Disputes**

Should a dispute concerning any identified flood plain boundary arise, an initial determination

shall be made by the Borough Planning Commission and any party aggrieved by this decision or determination may appeal to the Borough Council. The burden of proof shall be on the appellant.

## **ARTICLE IV TECHNICAL PROVISIONS**

### **Section 4.00 General**

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

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

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

### **Section 4.01 Special Requirements for FW, FE and FA Areas**

- A. With any FW (Floodway Area), the following provisions apply:
1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- B. Within any FE (Special Flood Plain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- C. Within any FE (Special Flood Plain Area) or FA (General Flood Plain Area), the following provisions apply:
1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
  2. Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.

## **Section 4.02 Elevation and Floodproofing Requirements**

### **A. Residential Structures**

Within any identified flood plain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

### **B. Non-residential Structures**

1. Within any identified flood plain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner 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.
3. The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Sections 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

### **C. Space below the lowest floor.**

1. Fully enclosed space below the lowest floor (including basement) is prohibited.
2. Partially enclosed space below the lowest floor (including basement) 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 "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.
  - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Sections R323.2.2 and R323.1.4) and the 2003 IBC (Sections 1612.4, 1612.5, 1202.3.2 and 1203.3.3).

D. Accessory structures

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

1. The 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, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential.
4. The structure will 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 one and one-half (1 ½) feet above the 100 year flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The 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 (1) square inch for every square foot of enclosed space.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.
  - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

### **Section 4.03 Design and Construction Standards**

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

#### **A. Fill**

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
2. Consist of soil or small rock materials only - sanitary landfills shall not be permitted.
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
4. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer.
5. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.

#### **B. Drainage Facilities**

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized.

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

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G. Sections 401.3 and 401.4), the 2003 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

D. Other Utilities

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

E. Streets

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

F. Storage

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 Section 4.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and 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.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
3. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Sections 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Sections R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
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.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
5. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Sections 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Sections R323.1.7 and R501.3) and ASCE 24-98 (Chapter 6).

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
4. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Section R323.1.7).

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
3. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Section 1612.4), the IRC (Section R323.1.5), the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

L. Equipment

1. 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.
2. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Section 1612.4), the 2003 IRC (Section R323.1.5) the 2000 IFGC (Sections R301.5 and R1 601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

M. Fuel Supply Systems

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.



#### **Section 4.03.A. Uniform Construction Code Coordination**

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/or supplement the requirements of this Ordinance.

International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

#### **Section 4.04 Development Which May Endanger Human Life**

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. Will be used for the production or storage of any of the following dangerous materials or substances; or,
  2. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  3. Will involve the production, storage, or use of any amount of radioactive substances;

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

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products

17. Pesticides (including insecticides, fungicides, and rodenticides)
  18. Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Where permitted within any flood plain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. Elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one hundred (100) year flood.
  2. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.
  3. Prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

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

#### **Section 4.05 Special Requirements for Manufactured Homes**

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within any FA (General Flood Plain Area) or FE (Special Flood Plain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top of-bank of any watercourse.
- C. Where permitted within any flood plain area, all manufactured homes, and any improvements thereto, shall be:
1. Placed on a permanent foundation.
  2. Elevated so that the lowest floor of the manufactured home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.
  3. Anchored to resist flotation, collapse, or lateral movement.
  4. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
  5. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sec. R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34

PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

## **ARTICLE V PROHIBITED USES AND ACTIVITIES**

### **Section 5.00 General**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified flood plain in the Borough:

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - 1. Hospitals
  - 2. Nursing homes
  - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

## **ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOOD PLAIN AREAS**

### **Section 6.00 Existing Structures**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 6.01 shall apply.

### **Section 6.01 Improvements**

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified flood plain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any FW (Floodway Area) that would cause any increase in the elevation of the one hundred (100) year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any FE (Special Flood Plain Area) that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall

constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2003 IBC (Sec. 3402.1 and 1612.4) and the 2003 IRC (Sec. 323.1.4).

- D. 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.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance
- F. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Sections R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sections 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

## **ARTICLE VII VARIANCES**

### **Section 7.00 General**

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

### **Section 7.01 Variance Procedures and Conditions**

Requests for variances shall be considered by the York County Uniform Construction Code Board of Appeals in accordance with the procedures contained in Section 2.10 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any FW (Floodway Area) that would cause any increase in the one hundred (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any FE (Special Flood Plain Area) that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 4.04, Development Which May Endanger Human Life.

- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the York County Uniform Construction Code Board of Appeals 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.
- F. Whenever a variance is granted, the York County Uniform Construction Code Board of Appeals shall notify the applicant in writing that:
  - 1. The granting of the variance may result in increased premium rates for flood insurance.
  - 2. Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the York County Uniform Construction Code Board of Appeals shall consider, at a minimum, the following:
  - 1. That there is good and sufficient cause.
  - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
  - 3. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## **ARTICLE VIII DEFINITIONS**

### **Section 8.00 General**

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

### **Section 8.01 Specific Definitions**

- 1. 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.
- 2. Alter or Alteration – Any change, rearrangement, enlarge, moving, relocation, removal or demolition of any structure or of the structural parts thereof.
- 3. Borough – Felton Borough, York County, Pennsylvania.

4. Borough Council – The Borough Council of Felton Borough, York County, Pennsylvania.
5. Basement - means any area of the building having its floor below ground level on all sides.
6. Build – The construction, erection, location, placement, altering, raising, fabricating, making, repairing, enlarging, paving or restoration of any building or structure or part thereof, but not including the mere painting or finishing of surfaces or normal or routine maintenance and repair of buildings or structures where no structural change or alteration is involved.
7. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
8. Construction – The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of a manufactured home or prefabricated building.
9. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
10. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
11. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
12. Established flood elevation – the elevation at a point on the boundary of the identified flood plain area which is nearest to the construction site in question.
13. Flood - a temporary inundation of normally dry land areas.
14. 100-year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
15. Flood plain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
16. Floodproofing - means 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.

17. Floodway - the designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
18. Historic structure - any structure that is:
  - a. 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;
  - b. 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;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - 1) By an approved state program as determined by the Secretary of the Interior, or
    - 2) Directly by the Secretary of the Interior in states without approved programs.
19. Identified flood plain area – the flood plain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.
20. Land development - Any of the following activities:
  - a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
    - 1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
    - 2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  - b. A subdivision of land.
21. Lowest floor - the lowest floor of the lowest fully enclosed area (including 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.

22. 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.
23. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
24. Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
25. New construction - structures for which the start of construction commenced on or after April 1, 1981, and includes any subsequent improvements thereto.
26. Obstruction – any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood plain area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
27. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
28. Recreational vehicle - 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 temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.
30. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the



damages occurred.

31. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a flood plain.
32. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
33. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted
34. Substantial additions to manufactured home parks – Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets , utilities, and pads before the repair, reconstruction, or improvement is started.
35. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
36. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
  - b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
37. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code

adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth flood plain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

## **ARTICLE IX MISCELLANEOUS PROVISIONS**

### **Section 9.00 Interpretation**

The provisions of this Ordinance shall not be taken or construed to conflict with or otherwise limit the provisions of any other law, ordinance or regulation imposing any other greater requirement, or restrictions, and in the event of any such conflict between provisions, the greater requirements or restrictions shall prevail.

### **Section 9.01 Repealer**

All ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. The provisions of this Ordinance supersede any provisions currently in effect in identified flood plain areas. However, any other ordinances shall remain in full and effect to the extent that the provisions contained in such ordinances are more restrictive.

### **Section 9.02 Ordinance 1981-1 Repealer**

Ordinance 1981-1 and all associated amendments are hereby repealed and immediately replaced with this Ordinance.

### **Section 9.03 Severability**

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

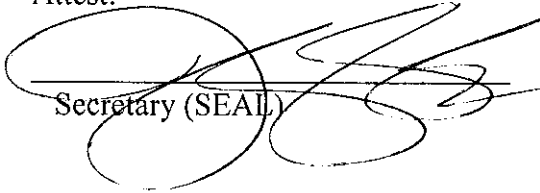
### **Section 9.04 Effective date**

This Ordinance shall become effective immediately after its enactment by the Borough Council of Felton Borough as provided by law.

DULY ORDAINED AND ENACTED this 14<sup>th</sup> day of September, 2009, by the Borough Council of Felton Borough, York County, Pennsylvania, in lawful session duly assembled.

BOROUGH COUNCIL  
FELTON BOROUGH  
York County, Pennsylvania

Attest:

  
Secretary (SEAL)

By: Anna O'Berry  
President of Council

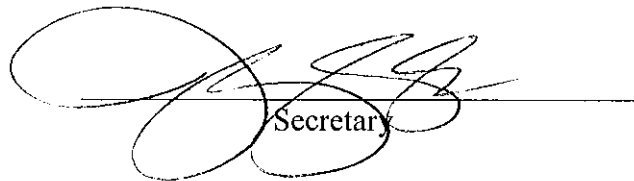
Approved this 14 day of Sept., 2009.

Jamie L Jackson  
Mayor

#### MUNICIPAL CERTIFICATION

I, Joy Flinchbaugh, Secretary of FELTON BOROUGH, YORK COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 2009-03 was advertised in the York Newspaper, a daily newspaper of general circulation in Felton Borough, on September 4, 2009, and was duly enacted and approved as set forth at a Regular Meeting of the Borough Council held on September 14, 2009.

(SEAL)

  
Secretary

Date: September 14, 2009