

Ordinance 81-6

Floodplain

10/13/1981

ORDINANCE 81-6

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, REGULATING THE SUBDIVISION AND/OR DEVELOPMENT OF LAND WITHIN ANY DESIGNATED FLOOD-PLAIN DISTRICT: PROVIDING FOR THE APPROVAL PROVISIONS; AND ESTABLISHING PENALTIES FOR PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, and it is hereby enacted by the authority of the same as follows:

ARTICLE I GENERAL PROVISIONS

Section 1.0 Purpose

The specific purpose of these provisions is:

- A. to regulate the subdivision and/or development of land within any designated flood plain district in order to promote the general health, welfare, and safety of the community;
- B. to require that each subdivision lot in floodprone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction;
- C. to protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated flood plain districts.

Section 1.1 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect in flood areas. However, any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.2 Municipal Liability

The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated flood plain district shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its official or employees.

ARTICLE II APPLICATION PROCEDURES AND REQUIREMENTS

Section 2.0 Pre-Application Procedures

- A. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.
- B. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

Section 2.1 Preliminary Plan Requirements

The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer or surveyor:

- A. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- B. A map showing the location of the proposed subdivision and/or land development with respect to any designated flood plain district including information on the one hundred (100) year flood elevations.
- C. Where the subdivision and/or land development lies partially or completely within any designated flood plain districts or where such activities border on any designated flood plain district, the preliminary plan map shall include the following information:
 - 1. the location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities
 - 2. the one hundred (100) year flood elevations
 - 3. areas subject to special deed restrictions.

All such maps shall show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the designated flood plain districts.

Section 2.2 Final Plan Requirements

The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor:

- A. All information required for the submission of the Preliminary Plan incorporated any changes requested by the Township of Hopewell.
- B. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated flood plain district. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood-prone areas.

Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

Section 2.3 Performance Bond

The requirement for Condition of Acceptance, Article X of the Subdivision Ordinance, is declared to be a part of this Ordinance.

ARTICLE III DESIGN STANDARDS AND IMPROVEMENT IN DESIGNATED FLOOD PLAIN DISTRICTS

Section 3.0 General

- A. Where not prohibited by this or any other laws or ordinances, land located in any designated flood plain district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- B. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any designated floodway district. Sites for these uses may be permitted outside the floodway district if the sites or dwelling units are elevated up to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a minimum distance of at least fifteen (15) feet beyond the limits of the proposed structures.

- C. Building sites for structures or buildings other than for residential uses shall also not be permitted in any designated floodway district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in "B" above. However, the governing body may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.
- D. If the Township of Hopewell determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- E. When a developer does not intend to develop the plat himself and the Township of Hopewell determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

Section 3.1 Excavation and Grading

When any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a Grading and Filling Permit.

Section 3.2 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 drainage at all points along streets, and provide positive drainage away from buildings and onsite waste disposal sites.

Plans shall be subject to the approval of the Township of Hopewell. The Township of Hopewell may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

Section 3.3 Streets

The finished elevation of proposed streets shall not be more than one (1) foot below the Regulatory Flood Elevation. The Township of Hopewell may require, where necessary, profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

Section 3.4 Sewer Facilities

All sanitary sewer systems located in any designated flood plain district, whether public or private, shall be flood proofed up to the Regulatory Flood Elevation.

- A. The Township of Hopewell shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or are proposed for location in designated flood plain districts. The Township of Hopewell may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
- B. The Township of Hopewell may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Township of Hopewell shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

Section 3.5 Water Facilities

All water systems located in any designated flood plain districts, whether public or private, shall be flood proofed up to the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Township of Hopewell shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

Section 3.6 Other Utilities and Facilities

All other public and private utilities and facilities including gas and electric shall be elevated or flood proofed up to the Regularoty Flood Elevation.

ARTICLE IV DEFINITIONS

1. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers used for human habitation.
2. Designated flood plain districts - those flood plain districts specifically designated in the Township of Hopewell Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as the Floodway District (FW), the Flood-Fringe District (FF), and the General Flood Plain District (FA).
3. Developer - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development and the subdivision of land.
4. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.
5. Dwelling - a building designed and constructed for residential purposes in which people live.
6. One hundred (100) year flood - a flood that, on the average, is likely to occur once every one hundred (100) years, (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
7. Regulatory flood elevation - the 100 year flood elevation plus a freeboard safety factor of one and one half (1-1/2) feet.
8. Structure - anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, and other similar items.
9. 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 division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

ARTICLE V ENFORCEMENT

Section 5.1 - Enforcement

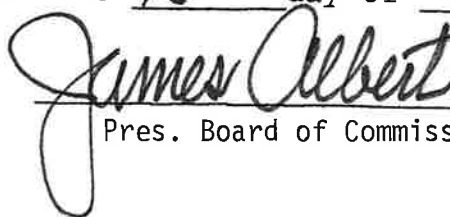
The provisions of this Ordinance shall be enforced by the Hopewell Township Board of Commissioners or such person as shall be designated by that Board.

Section 5.2 - Penalties

For violation of any provisions of this Ordinance the owner of the premises shall be liable on conviction thereof to a fine or penalty not less than TWENTY FIVE (\$25.00) DOLLARS and not exceeding THREE HUNDRED (\$300.00) DOLLARS, which fines and penalties may be collected by suit or summary proceedings brought in the name of the Township before any District Magistrate. Proceedings for the violation of this Ordinance or any provision thereof and for the collection of fines and penalties imposed herein may be commenced by warrant, or by summons, at the discretion of the District Magistrate before whom the proceeding is begun. All fines and penalties collected for the violation of this Ordinance shall be paid over to the Township treasury. Upon judgment against any person by summary conviction or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs the defendant may be sentenced and committed to the Township lockup for a period not exceeding five (5) days or to the County jail or workhouse for a period not exceeding thirty (30) days. Whenever such person shall have been notified by the Township or by service of a summons in a prosecution or in any other way that he is committing such violation, each day's continuance of such violation, after such notifications, shall constitute a separate offense punishable by a like fine or penalty.

ARTICLE VI ENACTMENT

ORDAINED AND ENACTED into law this 13th day of October.



Pres. Board of Commissioners

ATTEST:


By: _____
Secretary

Approved this 13 day of October



BY: Pres. Board of Commissioners

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, established in 1946, and has been issued regularly, except legal holidays, since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on

9/30/81

BEAVER NEWSPAPERS,

STATE OF PENNSYLVANIA, }
COUNTY OF BEAVER, }

SS:

Before me, a Notary Public in and for such county and state, personally appeared
JAMES R. MILLER, who being duly sworn according to law says that he is

TREASURER of BEAVER NEWSPAPERS, INC.; that neither affiant nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me

this **30TH** day of **SEPTEMBER 1981**

Maurice L. Supp

The costs of advertising and proof,
has been paid.

95.60

NOTICE OF INTENT TO ADOPT AN ORDINANCE
Notice is hereby given that the Board of Commissioners of the Township of Hopewell will consider the adoption of an Ordinance regulating the subdivision and/or development of land within any designated flood-plain district; providing for the approval provisions, and establishing penalties for persons who fail or refuse to comply with the requirements or provisions of this Ordinance, at its regular monthly meeting on October 13, 1981. The contents of the Ordinance are set forth in summary form as follows:

the
here

AT
\$1000
\$100 WORTH
CONSOLATION

28-4015
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CALL