

TOWNSHIP OF TILDEN
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 60, 1987

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THAT ORDINANCE NO. 45 ADOPTING CERTAIN LAND USE AND CONTROL MEASURES IN ACCORDANCE WITH THE CRITERIA AND REQUIREMENTS OF SECTION 1910.3(d) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS ISSUED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the Township of Tilden, Berks County, Pennsylvania (hereinafter the "Township") had adopted that Ordinance No. 45 (hereinafter "Flood Ordinance") on June 3, 1980; and

WHEREAS, the Township has been notified by the Federal Emergency Management Agency that said Ordinance must be amended to maintain compliance with amendments of August 25, 1986, to the National Flood Insurance Program (NFIP) Flood Plain Management Criteria and has also been notified by the Pennsylvania Department of Community Affairs that a certain amendment must be made to Section 3 of the Ordinance in order to comply with all Commonwealth statutes and regulations; and

WHEREAS, it is the desire of the Township to adopt these additional provisions in order to maintain compliance with all State and Federal statutes and regulations.

NOW, THEREFORE, be it ENACTED and ORDAINED by the Board of Supervisors of the Township, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

Section 1. The relevant sections of the Flood Ordinance are amended to read as set forth below:

"Section 1.

(d) The Zoning Officer of the Township of Tilden shall review zoning permit applications for new construction or substantial improvements (including the placement of manufactured homes and prefabricated buildings) within areas of the 100-year flood to assure that the proposed construction or improvements comply with those requirements as set forth at subparagraph (h) of this section.

(g) For all manufactured home parks located within areas of the 100-year flood, an evacuation plan indicating alternate vehicular access and escape routes shall be prepared and filed with the Secretary of the Township of Tilden and at the headquarters of the Berks County Civil Defense Council.

(h) All manufactured homes or prefabricated buildings to be hereafter placed within areas of the 100-year flood shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors or may be secured by any method as set forth in Federal Emergency Management Act, Manual 85, "Manufactured Home Installation and Flood Hazard Areas" of September, 1985, or as hereafter amended, after approval from the Zoning Officer.

(i) All manufactured homes or prefabricated buildings to be hereafter placed within areas of the 100-year flood shall be located on a stand or lot elevated on compacted fill or on pilings so that the lowest floor of the manufactured home or prefabricated building will be at least one (1) foot above the 100-year flood level. Provision shall be made for adequate surface drainage and for access for a hauler. In those instances where elevation or pilings is used, lots shall be large enough to permit steps, piling foundations shall be placed in stable

soil no more than ten (10) feet apart, and reinforcement shall be provided for piers more than six (6) feet above ground level.

(j) All new construction and substantial improvements of residential structures within areas of the 100-year flood shall have the lowest floor (including basement) elevated at least one (1) foot above the level of the 100-year flood. No enclosures will be permitted below the level of the 100-year flood.

(l) Where floodproofing is utilized for a structure in accordance with Section (k) above, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the 100-year flood, and are otherwise in accordance with the accepted standards of practice for meeting the applicable provisions of Section 60.3(c)(3)(ii) of 44 C.F.R., and a record of such certificates indicating the specific elevation in relation to mean sea level to which such structures floodproofed shall be submitted to and maintained with the Secretary of the Township of Tilden. Any and all floodproofing regulations which may be adopted from time to time by the Township of Tilden shall be complied with when floodproofing is utilized. No enclosure will be permitted below the level of the 100-year flood if the enclosure does not comply with subsection (k) above.

(o) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities will be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(p) In those floodplain areas in which the Flood Insurance Study does not provide 100-year flood elevations, the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and flood weight data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the area of the 100-year flood meet the criteria set forth at subparagraphs (a) through (o) of this Section.

(q) All new construction and substantial improvements shall be adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(r) All development shall be provided with adequate drainage to reduce exposure to flood hazards.

"Section 3. The following requirements and controls shall apply to the areas of the 100-year flood (flood plain) adopted by the Township in Sections 1 and 2 of the Ordinance:

(a) Encroachments, including fill, and other development, within the adopted regulatory floodway that would result in any increase in flood levels within the Township of Tilden during the occurrence of the 100-year flood discharge are prohibited.

(b) The construction, placement, or expansion of any building, structure, including the placement of any manufactured home, within the adopted regulatory floodway is prohibited.

(c) The commencement of any of the following activities within the 100-year flood boundary is prohibited:

- (1) Hospitals;
- (2) Nursing homes;
- (3) Jails or prisons;
- (4) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision in or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(d) The placement or construction of any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or which will be used in the production, storage or use of any amount of radioactive substances; or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons or any comparable volume of any of the following dangerous materials or substances is prohibited:

- (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.

(e) No variance shall be issued for any of the prohibited structures, uses or activities listed in subsection (d) above.

"Section 6. .

(1) Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the place of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grating, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(m) Manufactured homes means a structure, transportable in one or more sections, which is built on a permanent chasis and is designed

for use with or without a permanent foundation when connected to required utilities. For Flood Plain Management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. This definition shall be for purposes of enforcement of the Flood Ordinance only and any provisions in any other Township ordinance, State statute, or regulation shall be used for purposes of the relevant ordinance, statute, or regulation.

(n) Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(o) Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance."

Section 2. In the event that one or more provisions, sentences, clauses, or other parts of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sentences, sections, clauses, or parts of this Ordinance, it being the intention of the Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

Section 3. Any ordinance, ordinances, or parts of an ordinance or ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same are inconsistent with this Ordinance.

Section 4. This Ordinance shall become effective five (5) days after the date of its enactment.

Duly enacted at a public meeting of the Board of Supervisors of the Township, held on the 3rd day of March , 1987.

BOARD OF SUPERVISORS OF
TILDEN TOWNSHIP, BERKS COUNTY

Earl L. Katzman
George B. Swaga
William R. Lister

Attest

Anna M. Shallenbarger