

CHAPTER 8

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Part 1
General Provisions

§101. Intent.

The intent of this Chapter is to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(Ord. 1010-83, 7/12/1983, §1.00)

§102. Applicability.

1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development within a floodplain area of the Borough unless a Floodplain Management Permit has been obtained from the Code Enforcement Officer.
2. A Floodplain Management Permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 1010-83, 7/12/1983, §1.01)

§103. Abrogation and Greater Restrictions.

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. (Ord. 1010-83, 7/12/1983, §1.02)

§104. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering

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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 Chapter does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.

2. This Chapter 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 Chapter or any administrative decision lawfully made thereunder.

(Ord. 1010-83, 7/12/1983, §1.04)

Part 2

Administration

§201. Floodplain Management Permits Required.

Floodplain Management Permits shall be required before any construction or development is undertaken within any floodplain area of the Borough. (Ord. 1010-83, 7/12/1983, §2.00)

§202. Issuance of Floodplain Management Permit.

1. The Code Enforcement Officer shall issue a Floodplain Management 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.
2. Prior to the issuance of any Floodplain Management Permit, the Code Enforcement Officer shall review the application for permit to determine if all other necessary governmental 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 Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
3. 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 municipality and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

(Ord. 1010-83, 7/12/1983, §2.01)

§203. Application Procedures and Requirements.

1. Application for a Floodplain Management Permit shall be made, in writing to the Code Enforcement Office on forms supplied by the Borough. Such application may be combined with a Building Permit Application and shall contain at least the following:

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- A. Name and address of applicant.
 - B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. Applicants for Floodplain Management Permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Enforcement Officer to determine that;
 - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §203(4)) as may be required by the Code Enforcement Officer to make the above determination:
 - A. A completed Floodplain Management Permit Application Form.
 - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal 100 feet or less, showing the following:
 - (1) North arrow, scale, and date;
 - (2) Topographic contour lines, if available;
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

- (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (5) The location of all existing streets, drives, and other accessways; and
 - (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - (2) The elevation of the 100 year flood;
 - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year flood; and
 - (4) Detailed information concerning any proposed floodproofing measures.
- D. The following data and documentation:
- (1) A document, certified by a registered professional engineer or architect, which states the proposed construction or development has been adequately designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces associated with the 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - (2) Detailed information needed to determine compliance with §404(6), Storage, and §405, Development Which May Endanger Human Life, including:
 - (a) The amount, location and purpose of any materials or substances referred to in §404(6), and §405 which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) 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 §405 during a 100 year flood.

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- (3) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.
4. Applicants for Special Permits required by Part five hereof shall provide five copies of the following items:
 - A. A written request including a completed Floodplain Management Permit Application Form.
 - B. A small scale map showing the vicinity in which the proposed site is located.
 - C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) north arrow, scale and date;
 - (2) topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
 - (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (4) the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (5) the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - (6) the location of the flood plain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
 - (7) the location of all proposed buildings, structures, utilities, and any other improvements, and
 - (8) any other information which the Borough considers necessary for adequate review of the application.
 - D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - (1) sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;

- (2) for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
- (3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood;
- (4) detailed information concerning any proposed flood-proofing measures;
- (5) cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
- (6) profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
- (7) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

- (1) certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- (2) certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;
- (3) a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;
- (4) a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows;
- (5) a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;

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- (6) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;
- (7) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
- (8) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

(Ord. 1010-83, 7/12/1983, §2.02)

§204. 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 Code Enforcement Office to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Code Enforcement Officer for possible incorporation into the proposed plan. (Ord. 1010-83, 7/12/1983, §2.03)

§205. 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 Code Enforcement Officer to any other appropriate agencies and/or individuals for review and comment. (Ord. 1010-83, 7/12/1983, §2.04)

§206. Changes.

After the issuance of a Floodplain Management Permit by the Code Enforcement 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 Code Enforcement Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Code Enforcement Officer for consideration. (Ord. 1010-83, 7/12/1983, §2.05)

§207. Placards.

In addition to the Floodplain Management Permit, the Code Enforcement 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 Floodplain Management Permit, the date of its issuance and be signed by the Code Enforcement Officer. (Ord. 1010-83, 7/12/1983, §2.06)

§208. Start of Construction.

Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the Floodplain Management Permit or the permit shall expire unless a time extension is granted, in writing, by the Code Enforcement Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for 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 Code Enforcement Officer to approve such a request. (Ord. 1010-83, 7/12/1983, §2.07)

§209. Inspection and Revocation.

1. During the construction period, the Code Enforcement 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 Borough laws and ordinances. He shall make as many inspections during the and upon completion of the work as are necessary.
2. In the discharge of his duties, the Code Enforcement Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
3. In the event the Code Enforcement 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 Code Enforcement Officer shall revoke the Floodplain Management Permit and report such fact to the Borough Council for whatever action it considers necessary.
4. A record of all such inspections and violations of this Chapter shall be maintained.

(Ord. 1010-83, 7/12/1983, §2.08)

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§210. Fees.

Applications for a Floodplain Management Permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Code Enforcement Officer at the following rates:

There will be a \$2 fee for each estimated cost increment of \$1,000, but not less than a total fee of \$5.

(Ord. 1010-83, 7/12/1983, §2.09)

§211. Enforcement.

1. Notices – Whenever the Code Enforcement Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulation adopted pursuant thereto, the Code Enforcement 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 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 Chapter.
2. Penalties – Any person who fails to comply with any or all of the requirements or provisions of this Chapter or fails or refuses to comply with any notice, order or direction of the Code Enforcement Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of not less than \$25 or more than \$1,000 and/or to imprisonment for a period not to exceed 90 days. Each day during which any violation of this Chapter 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 property enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or non-compliance with, this Chapter shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time.

Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Chapter may be declared by the Borough Council to be a public nuisance and abatable as such. [Ord. 1239-99]

(Ord. 1010-83, 7/12/1983, §2.10; as amended by Ord. 1236-99, 12/13/1999, §1)

§212. Appeals.

1. Any person aggrieved by any action or decision of the Code Enforcement Officer involving the administration of the provisions of this Chapter may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the Code Enforcement Officer.
2. Upon receipt of such appeal the Borough Council shall set a time and place, within not less than 10 nor more than 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.
3. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

(Ord. 1010-83, 7/12/1983, §2.11)

Part 3

Identification of Floodplain Areas

§301. Identification.

1. The identified floodplain area shall be those areas of Gettysburg Borough, which are subject to the 100 year flood, as identified in the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated February 15, 1983, or the most recent revision thereof.
2. The identified floodplain area shall consist of the following specific areas:
 - A. FW (Floodway Area) — the areas identified as “Floodway” 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 floodplain areas where no floodway has been identified in the Flood Insurance Study.
 - B. For the purposes of this Chapter, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point.
 - C. FF (Flood-Fringe Area) — the remaining portions of the 100 year floodplain in those areas identified in the Flood Insurance Study, where a floodway has been delineated.
 - D. The basis for the outermost boundary of this area shall be the 100 year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - E. FA (General Floodplain Area) — The areas identified as Zone A in the FIS for which no¹ 100 year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the 100 year elevation, as well as a floodway area, if possible. When no other information is available, the 100 year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
3. 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, compu-

¹ Ord. 1125-91 read “on.”

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tations, etc., shall be submitted in sufficient detail to allow a thorough technical review.

(Ord. 1010-83, 7/12/1983, §3.00; as amended by Ord. 1125-91, 10/15/1991, §1)

§302. Changes in Floodplain Area Delineations.

1. The area considered to be floodplain may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
2. No modification or revision of any floodplain area identified in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 1010-83, 7/12/1983, §3.01)

§303. Disputes.

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Borough Council. The burden of proof shall be on the appellant. (Ord. 1010-83, 7/12/1983, §3.02)

Part 4

Technical Provisions

§401. General.

1. 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
 - A. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.
2. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

(Ord. 1010-83, 7/12/1983, §4.00)

§402. Special Floodway and Stream Setback Requirements.

1. Within any FW (Floodway Area), the following provisions apply:
 - A. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - B. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
2. Within any FA (General Floodplain Area), the following provisions apply:
 - A. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

(Ord. 1010-83, 7/12/1983, §4.01)

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§403. Elevation and Floodproofing Requirements.

1. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1 1/2 feet or more above the 100 year flood elevation. Enclosed areas below the lowest floor (including basement) are prohibited.
2. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be 1 1/2 feet or more above the 100 year flood elevation or be floodproofed up to that height.
3. Any non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1 1/2 feet above the 100 year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June, 1972) 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. Enclosed areas below the lowest floor (including basement) are prohibited.

(Ord. 1010-83, 7/12/1983, §4.02; as amended by Ord. 1125-91, 10/15/1991, §2)

§404. Design and Construction Standards.

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

1. Fill — If fill is used, it shall:
 - A. extend laterally at least 15 feet beyond the building line from all points,
 - B. consist of soil or small rock materials only. Sanitary landfills shall not be permitted,
 - C. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,
 - D. be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Code Enforcement Officer,
 - E. be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage — 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.
3. Water and Sanitary Sewer Facilities and Systems –
 - A. 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.
 - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - C. No part of any on-site sewage system shall be located within any identified floodplain 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. 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.
5. Streets — The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.
6. 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 §405, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
7. 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.
8. Anchoring –
 - A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - B. 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.

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9. Floors, Walls and Ceilings –
 - A. 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.
 - B. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
 - C. Walls and ceilings at or below the Regulatory Flood Elevation and shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - D. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.
10. Paints and Adhesives –
 - A. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
 - B. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
 - C. All wooden components (doors, trim cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other finishing material.
11. Electrical Components –
 - A. Electrical distribution panels shall be at least three feet above the 100 year flood elevation.
 - B. Separate electrical circuits shall serve lower levels and shall be dropped from above.
12. Equipment — 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.
13. Fuel Supply Systems — All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems 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.

(Ord. 1010-83, 7/12/1983, §4.03)

§405. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, 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 for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:
 - A. Acetone
 - B. Ammonia
 - C. Benzene
 - D. Calcium carbide
 - E. Carbon disulfide
 - F. Celluloid
 - G. Chlorine
 - H. Hydrochloric acid
 - I. Hydrocyanic acid
 - J. Magnesium
 - K. Nitric acid and oxides of nitrogen
 - L. Petroleum products (gasoline, fuel oil, etc.)
 - M. Phosphorus
 - N. Potassium
 - O. Sodium
 - P. Sulphur and sulphur products
 - Q. Pesticides (including insecticides, fungicides and rodenticides)
 - R. Radioactive substances, insofar as such substances are not other regulated.

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2. Within any FW (Floodway Area) any structure of the kind described in §405(1), above, shall be prohibited.
3. Within any FA (General Floodplain Area), any structure of the kind described in §405(1), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
4. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any structure of the kind described in §405(1), above, shall be:
 - A. elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the 100 year flood and
 - B. designed to prevent pollution from the structure or activity during the course of a 100 year flood.

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 flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(Ord. 1010-83, 7/12/1983, §4.04)

§406. Special Requirements for Manufactured Homes.

Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

1. Placed on a permanent foundation.
2. Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the hundred year flood.
3. Anchored to resist flotation, collapse, or lateral movement.
4. Within any identified floodway area, all manufactured homes and any addition thereto shall be prohibited.

(Ord. 1010-83, 7/12/1983, §4.05; as amended by Ord. 1125-91, 10/15/1991, §3)

Part 5

Activities Requiring Special Permits

§501. General.

1. In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Floodplain Management Act, (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a Special Permit is issued:
 - A. Hospitals (public or private)
 - B. Nursing homes (public or private)
 - C. Jails or prisons
 - D. New mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

(Ord. 1010-83, 7/12/1983, §5.00)

§502. Application Review Procedures.

1. Upon receipt of an application for a Special Permit by the Borough the following procedures shall apply in addition to those in Part 2:
 - A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.
 - B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respects the application is deficient.
 - C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five working days after the date of approval.

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- E. Before issuing the Special Permit, the Borough, shall allow the Department of Community Affairs 30 days after receipt of the notification by the Department, to review the application and the decision made by the Borough.
- F. If the Borough does not receive any communication from the Department of Community Affairs during the 30 day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the Special Permit.

(Ord. 1010-83, 7/12/1983, §5.01)

§503. Special Technical Requirements.

- 1. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Part 4, of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- 2. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - A. Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (1) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
 - (2) the lowest floor elevation will be at least 1 1/2 feet above the 100 year flood elevation.
 - (3) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

3. All 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 and the Department of Community Affairs.

(Ord. 1010-83, 7/12/1983, §5.02)

Part 6

Existing Structures in Identified Floodplain Areas

§601. General.

1. Structures existing in any identified floodplain area prior to the enactment of this Chapter may continue subject to the following provisions:
 - A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
 - B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

(Ord. 1010-83, 7/12/1983, §6.00) therewith, except at the intersections of Lincoln Square therewith and except where a greater distance is fixed by existing ordinances which are not repealed hereby.

3. It shall be unlawful for any person to park a vehicle in any space reserved for the use of taxicabs by the Safety Committee of the Borough Council excepting the license for whom such space has been reserved hereunder.
4. Parking shall be prohibited at all times within 75 feet of the intersections of the curb lines of all streets where the intersections are controlled by official traffic signals.

(Ord. 1028-85, 8/12/1985; as amended by Ord 1029-85, 9/9/1985; by Ord.- 1038-86, 5/13/1986; by Ord. 1037-86, 4/14/1986; by Ord. 1048-86, 10/13/1986; by Ord. 1051-87, 1/12/1987; by Ord. 1053-87, 1/12/1987; by Ord. 1056-87, 4/13/1987; by Ord. 1058-87, 7/13/1987; by Ord. 1071-88, 5/9/1988; by Ord. 1072-88, 6/13/1988; by Ord. 1075-88, 9/12/1988; by Ord. 1085-89, 4/11/1989; by Ord. 1102-90, 6/11/1990; by Ord. 1111-91, 3/11/1991, by Ord. 1130-91, 12/9/1991; by Ord. 1116-91, 6/10/1991; by Ord. 1141-92, 9/14/1992, §§1 and 2; by Ord. 1143-92, 10/14/1992; by Ord. 1148-92, 12/14/1992; and by Ord. 1151-93, 1/11/1993)

§306. Parking Prohibited at Certain Times on Certain Streets and Alleys and Parking Lots.

1. It shall be unlawful for any person to park a vehicle or trailer, or to allow the same to remain parked, at any time between the hours of 2:00 o'clock, a.m. and 6:00 o'clock, a.m., prevailing time, upon any of the following streets in the Borough of Gettysburg:

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- A. Any street designated as a parking meter zone.
- B. The south side of West Lincoln Avenue between Carlisle Street and Constitution Avenue.
- C. The west side of North Washington Street between West Lincoln Avenue and West Broadway.
- D. The south side of West Stevens Street between Carlisle Street and North Washington Street.
- E. [Repealed by Ord. 1167-94]
- F. Both sides of West Broadway between College Avenue and Constitution Avenue.

[Ord. 1105-90]

- 2. It shall be unlawful for any person to park a vehicle or trailer, or to allow the same to remain parked, at any time between the hours of 6:00 o'clock, a.m. and 4:00 o'clock, p.m. prevailing time on the north side of West High Street in the Borough of Gettysburg between Court Alley and a point 170 feet to the west thereof on any day when the St. Francis Xavier Parish School is in session.
- 3. It shall be unlawful for any person to park a vehicle or trailer, or to allow the same to remain parked, at any time between the hours of 10:00 o'clock, a.m. and 3:00 o'clock, p.m., prevailing time, on the east side of Third Street in the Borough of Gettysburg between Zerfing Alley and a point 50 feet to the north thereof on Wednesdays and Fridays.
- 4. For street sweeping purposes, parking will be prohibited on certain streets at certain times according to a schedule which will be published in a local newspaper and posted at prominent locations in the Borough.
- 5. It shall be unlawful for any person to park a vehicle or trailer, or to allow the same to remain parked, on a street or highway, or on a public property of the Borough, for a period in excess of 48 hours without being moved. [Ord. 1086-89]

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1069-88, 4/11/1988; by Ord. 1074-88, 7/11/1988; by Ord. 1079-88, 11/14/1988; by Ord. 1086-89, 5/8/1989; by Ord. 1105-90, 9/10/1990; and by Ord. 1167-94, 9/12/1994)

§307. Parking Time Limited in Certain Locations.

It shall be unlawful to park any vehicle or allow the same to remain parked, for more than the indicated length of time in any of the following locations:

Street	Side	Between (Reserved)	Time Limit
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(Ord. 1028-85, 8/12/1985)

§308. Parking Limit for Certain Types of Vehicles.

1. It shall be unlawful for any person to park a commercial vehicle or trailer or vehicle of the bus type at the following locations:

Street	Side	Between
Steinwehr Avenue	West	Culp Street and Long Lane
South Washington Street	West	Johns Avenue and Steinwehr Avenue
East Middle Street	North	Third and Fourth Street

[Ord. 1156-93]

2. A “commercial vehicle” for the purpose of this section shall be deemed to be a motor vehicle designed for carrying freight, merchandise or passengers.
3. No person who operates, or is in charge of, a bus or truck within the Borough of Gettysburg shall cause or permit the engine of such vehicle to continue running for a space of more than five consecutive minutes while such vehicle is parked, stopped or standing, whether on public or private property, for other than the following reasons:
 - A. to operate power take-off equipment;
 - B. to operate heating equipment when the local temperature is below 40° F;
 - C. to make necessary repairs to such vehicle.
4. Exceptions — This Part shall not apply to the operator or person in charge of the following:
 - A. a fire, ambulance, police or public utility truck or bus when the same is engaged in performing emergency services;
 - B. a bus or truck forced to remain stopped or standing because of traffic conditions over which such person has no control.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1156-93, 5/10/1993)

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§309. Loading/Unloading Zones Established; Parking Otherwise Prohibited.

The following are hereby established as special purpose parking zones, and it shall be unlawful for any person to park any vehicle or tractor or to allow the same to remain parked, in any such zone, except as specifically provided for such zone:

Street	Location	Side
Breckenridge Street	First parking space west of South Franklin Street	North
	First parking space west of Court Alley	North
Constitution Avenue	First parking space north of Lincoln Avenue	East
Hanover Street	First parking space east of Liberty Street	South
Liberty	First parking space south of York Street	West
Seminary Avenue	From a point 37 feet West of the intersection of Buford Avenue and Reynolds St. to a point 62 feet West of that intersection	South

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1033-86, 2/10/1986; by Ord. 1059-87, 7/13/1987; by Ord. 1149-92, 12/14/1992, §§1 and 2; and by Ord. 1160-93, 11/8/1993)

§310. Parking for Repairs.

The parking of any motor vehicle, tractor or trailer, or combination thereof, upon streets and highways of the Borough for repairs, whether upon the traveled or untraveled portion thereof, shall be temporary only and limited to times for emergency repairs. This section shall not be construed to permit parking for repairs at locations where parking is otherwise prohibited. (Ord. 1028-85, 8/12/1985)

§311. Trailer Parking Restricted.

It shall be unlawful for any person to park a trailer (which shall mean a vehicle without motive power,

Part 8

Definitions

§801. General.

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter its most reasonable application. (Ord. 1010-83, 7/12/1983, §8.00)

§802. Specific Definitions.

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.

BASEMENT — any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

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.

CONSTRUCTION — the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

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, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

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.

FLOOD — a temporary inundation of normally dry land areas.

FLOODPLAIN — 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.

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FLOODPROOFING — any combination of structural and non-structural 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.

FLOODWAY — the designated area of a floodplain required to carry and discharge flood water of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one 100 year magnitude.

IDENTIFIED FLOODPLAIN AREA — the floodplain area specifically identified in this Chapter as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

LAND DEVELOPMENT — (1) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving: (A) a group of two or more buildings, or (B) the division or allocation of land or space 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; (2) a subdivision of land.

MANUFACTURED HOME — a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.

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 nontransient use. For the purposes of floodplain management, the words “mobile home” or “mobile home park” shall be replaced with the words “manufactured home” and “manufactured home park” within any delineated floodplain area.

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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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-prone area, (1) 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 (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE HUNDRED YEAR FLOOD — a flood that, on the average, is likely to occur once every 100 years (i.e. that has 1% chance of occurring each year, although the flood may occur in any year).

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.

REGULATORY FLOOD ELEVATION — the 100 year flood elevation plus a free-board safety factor of 1 1/2 feet.

SPECIAL PERMIT — special approval which is required for hospitals, nursing homes, jails, and new manufactured home park or subdivision and substantial improvements to such existing manufactured home park or subdivision when such development is located partly or entirely within a designated floodplain.

STRUCTURE — anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.

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 10 acres, not involving any new street or easement of access, shall be exempt.

SUBSTANTIAL IMPROVEMENT — any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of any market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

(Ord. 1010-83, 7/12/1983, §8.01; as amended by Ord. 1125-91, 10/15/1991, §4)