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ORDINANCE NO. 1061 - 2009

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH'S CURRENT FLOOD PLAIN MANAGEMENT ORDINANCE IN ORDER TO ASSURE CONTINUED COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

BE IT ENACTED AND ORDAINED by the Philipsburg Borough Council, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: General References.

- A. All references in the current Floodplain Management Ordinance, codified as Chapter 8 of the Borough of Philipsburg Codified Ordinances, to the Federal Insurance Administrator shall hereby be changed to the "Federal Emergency Management Agency (FEMA)."
- B. All references in the current Floodplain Management Ordinance, codified as Chapter 8 of the Borough of Philipsburg Codified Ordinances, to the Department of Environmental Resources shall hereby be changed to the "Department of Environmental Protection."
- C. All references in the current Floodplain Management Ordinance, codified as Chapter 8 of the Borough of Philipsburg Codified Ordinances, to the Department of Community Affairs shall be changed to the Department of Community & Economic Development.
- D. All references in the current Floodplain Management Ordinance, codified as Chapter 8 of the Borough of Philipsburg Codified Ordinances, to the National Geodetic Vertical Datum Of 1929 shall hereby be changed to the "North American Vertical Datum of 1988."

SECTION 2: Chapter 8 of the Borough of Philipsburg Codified Ordinances, Section 8-301, shall be amended to read:

8-301. Identification.

The identified floodplain area shall be any areas of Philipsburg Borough, 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 May 4, 2009 and the accompanying maps 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: Chapter 8 of the Borough of Philipsburg Codified Ordinances, Section 8-302, shall be amended to read:

8-302. Description of Floodplain Areas/Districts.

The identified floodplain area shall consist of the following two specific areas/districts:

- A. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.
- B. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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 4: Chapter 8 of the Borough of Philipsburg Codified Ordinances, Section 8-401, shall be amended to provide the following requirements:

- A. Within any identified floodplain 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.
- B. Fully enclosed space below the lowest floor (including basement) is prohibited. 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 floodwaters 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:

1. 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.
2. the bottom of all openings shall be no higher than one (1) foot above grade.
3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 5: Chapter 8 of the Borough of Philipsburg Codified Ordinances, Section 8-802, shall be amended to include the following definitions, in the appropriate order alphabetically:

BASEMENT - any area of the building having its floor below ground level on all sides.

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.

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.

HISTORIC STRUCTURE - any structure that is:

- (i) 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;
- (ii) 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;
- (iii) 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
- (iv) 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.

NEW CONSTRUCTION - structures for which the start of construction commenced on or after September 10, 1985, and includes any subsequent improvements thereto.

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.

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.

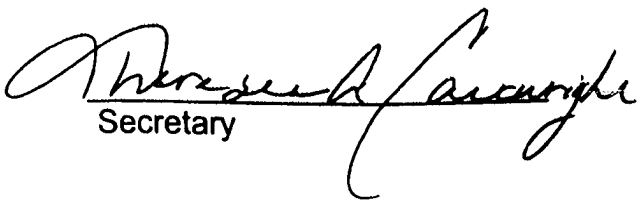
SECTION 6: The effective date of this Ordinance shall be five (5) days after the date of enactment thereof.

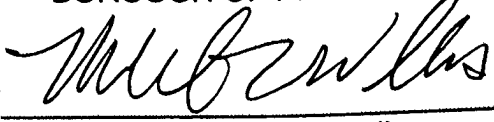
ADOPTED as an Ordinance of the Philipsburg Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 27th day of April, 2009.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 27th day of April, 2009.

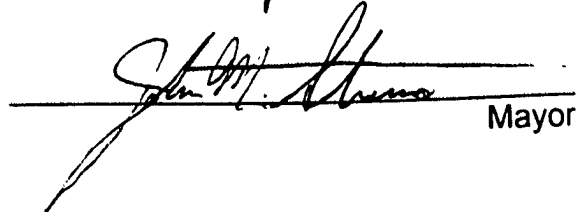
ATTEST:

BOROUGH OF PHILIPSBURG


Secretary

BY 
President of Council

EXAMINED AND APPROVED by me this 27 day of April, 2009.


Mayor

PART 1
GENERAL PROVISIONS

§8-101. Intent.

The intent of this Chapter is to:

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

(Ord. 944, 6/11/1990, Art. 1, §1.00)

§8-102. Applicability.

- 1. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development anywhere within the Borough of Philipsburg unless a building permit has been obtained from the Building Permit Officer.
- 2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 944, 6/11/1990, Art. 1, §1.01)

§8-103. Abrogation and Greater Restrictions.

This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other 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 Part, the more restrictive shall apply.

(Ord. 944, 6/11/1990, Art. 1, §1.02)

FLOODPLAINS

§8-104. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Part 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 Part 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 damage.
2. This Part shall not create liability on the part of the Borough of Philipsburg or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision lawfully made hereunder.

(Ord. 944, 6/11/1990, Art. 1, §1.04)