

TOWNSHIP OF TILDEN

Berks County, Pennsylvania

ORDINANCE NO. 45, 1980

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, ADOPTING CERTAIN LAND USE AND CONTROL MEASURES IN ACCORDANCE WITH THE CRITERIA AND REQUIREMENTS OF SECTION 60.3(d) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS ISSUED BY THE UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY.

WHEREAS, the Township of Tilden, Berks County, Pennsylvania, has been notified by the United States Federal Emergency Management Agency that property and casualty insurance agents may commence selling National Flood Insurance insuring property located within the Township of Tilden, Berks County, Pennsylvania; and

WHEREAS, the United States Federal Emergency Management Agency has further furnished the Township of Tilden with a Federal Insurance Administration Flood Boundary and Floodway Map Community Panel Nos. 4211120001-0010 designating and identifying thereon the one hundred (100) year flood boundary and floodway adjacent to the Schuylkill River and tributaries thereto within the Township of Tilden; and

WHEREAS, the United States Federal Emergency Management Agency has further furnished the Township of Tilden with a Federal Insurance Administration Flood Insurance Rate Map Community Panel No. 4211120010B designating and identifying thereon zone designations adjacent to the Schuylkill River and tributaries thereto within the Township of Tilden; and

WHEREAS, it is the desire of the Township of Tilden, Berks County, Pennsylvania, to adopt certain land use and control measures in accordance with

the requirements of Section 60.3(d) of the National Flood Insurance Program Regulations issued by the United States Federal Emergency Management Agency;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. The following requirements and controls shall apply to all land and water areas located within the Township of Tilden, Berks County, Pennsylvania, designated and identified by the Federal Insurance Administration as areas of the one hundred (100) year flood, in the Flood Insurance Study as delineated on the United States Federal Emergency Management Agency, Federal Insurance Administration Flood Boundary and Floodway Map Community Panel Nos. 4211120001-0010 and all present or future amendments, supplements or additions thereto (copies of said maps being available for public inspection at the office of the Secretary of Tilden Township located on Old Route 22, Tilden Township, Berks County, Pennsylvania):

(a) As provided by Section 1301 of the Zoning Ordinance of Tilden Township, zoning permits shall be required for all construction, erection, restoration or alteration of any building, structure or portion thereof and for any change in use of the building or land or development and prior to the extension or change of a legal non-conforming use within the Township of Tilden and application therefor shall be made and approved as provided for in said Zoning Ordinance. In addition to the information required by the Zoning Ordinance of the Township of Tilden where areas of one hundred (100) year flood are involved, the application for a zoning permit shall contain a description of the construction practices and methods and the materials which will be used during the course of the proposed construction, repair and/or other physical improvements.

(b) The Zoning Officer of the Township of Tilden shall review all zoning permit applications to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

(c) The Zoning Officer of the Township of Tilden shall review all zoning permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(d) The Zoning Officer of the Township of Tilden shall review zoning permit applications for new construction or substantial improvements (including the placement of prefabricated buildings and mobile homes) within areas of the one hundred (100) year flood to assure that the proposed construction or improvements, (1) are designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the building or structure, (2) are constructed with materials and utility equipment resistant to flood damage, and (3) are constructed by methods and practices that minimize flood damage.

(e) All zoning permit applications for new construction or substantial improvements within areas of the one hundred (100) year flood shall contain one hundred (100) year flood elevation data (which shall be subject to confirmation by the Township Engineer), the elevation in relation to mean sea level of the lowest floor (including basement) of the structure, a statement of whether or not the structure will contain a basement, and, if the structure will be floodproofed, the elevation in relation to mean sea level to which the structure will be floodproofed. If after completion of construction the elevation of the lowest floor or the elevation to which the structure was floodproofed differs from the elevations shown on the zoning permit application, the revised elevations shall be provided by

the holder of the zoning permit to the Zoning Officer of the Township of Tilden upon completion of construction, and prior to the insurance of a Certificate of Use and Occupancy when such certificate is required. All records as to the elevations of the lowest floors, the presence of a basement and the elevation of floodproofing shall be maintained by the Zoning Officer of the Township of Tilden and shall be available for public inspection.

(f) All new or replacement water supply systems and/or sanitary sewage systems, including extensions to existing water supply systems, and/or sanitary sewage systems, shall be designed to minimize or eliminate infiltration of flood waters into said systems and discharge from said systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment thereof or contamination therefrom during flooding.

(g) For all mobile home parks located within areas of the one hundred (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 mobile homes to be hereafter placed within areas of the one hundred (100) year flood shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically, (1) over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for mobile homes fifty (50) feet long or longer and one (1) additional tie per side at an intermediate location for a mobile home less than fifty (50) feet long; (2) frame ties shall be provided at each corner of the mobile home, with five (5) additional ties

per side at intermediate locations for mobile homes fifty (50) feet long or longer and four (4) additional ties per side at intermediate locations for a mobile home less than fifty (50) feet long; (3) all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and (4) any additions to a mobile home shall be anchored as listed in this Section.

(i) All mobile homes to be hereafter placed within areas of the one hundred (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 mobile home will be at least one (1) foot above the one hundred (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 one hundred (100) year flood shall have the lowest floor (including basement) elevated at least one (1) foot above the level of the one hundred (100) year flood.

(k) All new construction and substantial improvements of non-residential structures within areas of the one hundred (100) year flood shall have the lowest floor (including basement) elevated at least one (1) foot above the level of the one hundred (100) year flood or, together with attendant utility and sanitary facilities, be designated so that below the one hundred (100) year flood level the structure is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(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 one hundred (100) year flood, and a record of such certificates indicating the specific elevation in relation to mean sea level to which such structure is 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.

(m) If any portion of a watercourse within the area of the one hundred (100) year flood is to be hereafter altered or relocated, prior to the commencement of such alteration or relocation the person making such alteration or relocation shall submit calculations and data to the Township of Tilden which shall assure itself based upon then accepted engineering standards that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained to the level before such alteration or relocation.

(n) The Township of Tilden shall contact adjacent municipalities and the Pennsylvania Department of Community Affairs prior to any alteration or relocation of a watercourse, within areas of the one hundred (100) year flood, and copies of such notification shall be sent to the Federal Insurance Administrator.

SECTION 2. The Township of Tilden hereby adopts as its Regulatory Floodway those areas along the Schuylkill River and its tributaries indicated as being the Floodway within the one hundred (100) year flood boundary on Federal Insurance Administration Flood Boundary and Floodway Map Community

Panel Nos. 4211120001-0010.

SECTION 3. The following requirements and controls shall apply to the Regulatory Floodway adopted by the Township of Tilden in Section 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 one hundred (100) year flood discharge are prohibited.

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

SECTION 4. The Township of Tilden, Berks County, Pennsylvania, through its Board of Supervisors, may grant and issue variances for flood plain management purposes. The said Township of Tilden acknowledges that insurance premium rates are determined by statute according to actual risk and will not be modified by the granting of such a variance. The said Board of Supervisors, after examining the applicant's hardships shall approve or disapprove a request. While the granting of such a variance is generally limited to a lot size less than one-half (1/2) acre, deviations from this limitation may occur. However, as the lot size increases beyond one-half (1/2) acre, the technical justification required for granting and issuing a variance increases. The Federal Insurance Administration may review the findings of the said Board of Supervisors justifying the granting of such a variance, and if that review indicates a pattern inconsistent with the objectives of flood plain management, the Federal Insurance Administrator may take appropriate action under Section 59.24(b) of Title 44 of Chapter 1 of Subchapter B of the Code of Federal Regulations. Variances for flood plain management purposes may be granted and issued by the said Board of

Supervisors for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places without regard to the procedures set forth in this Section.

(a) Procedures for the granting of variances for flood plain management purposes by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, shall include, but are not limited to, the following:

(1) Such variances shall not be granted or issued by the said Board of Supervisors within any designated regulatory floodway if any increase in one hundred (100) year flood levels would result;

(2) Such variances shall only be granted or issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

(3) The said Board of Supervisors shall notify the applicant in writing over the signature of a member of the said Board of Supervisors that (i) the granting and issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as Twenty-Five and 00/100 Dollars (\$25.00) for One Hundred and 00/100 Dollars (\$100.00) of insurance coverage; and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions, including justification for their issuance and the said Board of Supervisors shall report such variances granted and issued in the annual report submitted to the Federal Insurance Administrator.

SECTION 5. That any and all changes or delineation of the flood prone areas shall be subject to review and approval of the Federal Insurance Administrator.

SECTION 6. The following definitions shall apply to this Ordinance:

(a) Areas of the one hundred (100) year flood means the land in the flood plain in the Township of Tilden subject to one percent (1%) or greater chance of flooding in any given year.

(b) Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining dredging, filling, grading, paving excavation, or drilling operations.

(c) Exception means a waiver from the provisions of Part 60 of Subchapter B of Chapter I of Title 44 as published in the May 31, 1979 issue of the "Federal Register" directed to the Township of Tilden, Berks County, Pennsylvania, which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the National Flood Insurance Program.

(d) Flood plain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

(e) Floodproofing means 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.

(f) New construction means structures for which the start of construction commenced on or after the effective date of this Ordinance.

(g) One hundred (100) year flood means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

(h) One hundred (100) Year Flood Level means the flood level

that has a one percent (1%) or greater chance of occurrence in any given year.

(i) Regulatory Floodway means the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot above existing conditions.

(j) Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or Township health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks.

(k) Variance means a grant of relief to the Township of Tilden, Berks County, Pennsylvania through its Board of Supervisors from the terms of a flood plain management regulation.

(l) Mobile Home means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) 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 not include recreational vehicles or travel trailers.

SECTION 7. In the event that one (1) or more provisions, sentences, clauses or other parts of this Ordinance No. 45 shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sentences, sections, clauses or parts of this Ordinance No. 45, it being the intention of the Township of Tilden that such remainder of this Ordinance No. 45 shall be and shall remain in full force and effect.

SECTION 8. Any Ordinance, Ordinances or part or parts of an Ordinance or Ordinances conflicting with the provisions of this Ordinance No. 45 are hereby repealed insofar as the same are inconsistent with this Ordinance No. _____.

SECTION 9. This Ordinance No. 45 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 of Tilden, Berks County, Pennsylvania, held on the 3rd day of June , 1980.

BOARD OF SUPERVISORS OF THE TOWNSHIP OF
TILDEN, BERKS COUNTY, PENNSYLVANIA

Vernon A. Reppert

George R. Dwyer

Stanley L. Crute

Attest: Rana M. Shollenberger
Secretary
(SEAL)