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FLOODPLAIN REGULATIONS**

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PART 1**General Provisions****§ 8-101. Statutory Authorization. [Ord. 1174, 2/24/2011]**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,¹ delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Borough Council of the Borough of Scottsdale does hereby order as follows.

§ 8-102. Intent. [Ord. 1174, 2/24/2011]

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.

§ 8-103. Applicability. [Ord. 1174, 2/24/2011]

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 Scottsdale unless an approved building permit has been obtained from the floodplain administrator of Scottsdale Borough pursuant to this chapter and the rules and regulations of the Borough of Scottsdale.

§ 8-104. Abrogation and Greater Restrictions. [Ord. 1174, 2/24/2011]

This chapter supersedes any provisions currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

§ 8-105. Warning and Disclaimer of Liability. [Ord. 1174, 2/24/2011]

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

¹Editor's Note: See 32 P.S. § 679.101 et seq.

engineering methods of study. Larger floods may occur on rare occasions. 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 flood-prone 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 of Scottsdale or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 8-106. Severability. [Ord. 1174, 2/24/2011]

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

PART 2**Administration****§ 8-201. Designation of the Floodplain Administrator. [Ord. 1174, 2/24/2011]**

The Building Permit Officer within the Borough of Scottdale is hereby appointed to administer and enforce this chapter and is referred to herein as the "floodplain administrator."

§ 8-202. Duties and Responsibilities of the Floodplain Administrator. [Ord. 1174, 2/24/2011]

1. The floodplain administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the floodplain administrator shall review the application for the permit to determine if all other necessary government 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),² the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended),³ the Pennsylvania Clean Streams Act (Act 1937-394, as amended),⁴ and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any development permit, the floodplain administrator shall review the history of repairs to the subject building so that any repetitive loss issues can be addressed before the permit is issued.
4. During the construction period, the floodplain administrator 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 municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the floodplain administrator shall have 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.
6. In the event the floodplain administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or

²Editor's Note: See 35 P.S. § 750.1 et seq.

³Editor's Note: See 32 P.S. § 693.1 et seq.

⁴Editor's Note: See 35 P.S. § 691.1 et seq.

that there has been a false statement or misrepresentation by any applicant, the floodplain administrator shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary.

7. The floodplain administrator shall maintain all records associated with the requirements of this chapter, including, but not limited to, permitting, inspection and enforcement.
8. The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2006 IBC and the 2006 IRC, or latest revisions thereof.

§ 8-203. Building Permits Required. [Ord. 1174, 2/24/2011]

Building permits shall be required before any proposed construction or development is undertaken within any identified flood-prone area of the Borough of Scottsdale.

§ 8-204. Application Procedures. [Ord. 1174, 2/24/2011]

1. Applicants shall file the following minimum information plus any other pertinent information as may be required by the floodplain administrator to make the above determination:
 - A. A completed permit application form.
 - B. 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) Topographic contour lines, if available;
 - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (4) The location of all existing streets, drives, and other accessways;
 - (5) 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; and
 - (6) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - C. Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale, showing the following:

- (1) The proposed lowest floor elevation of any proposed building based upon the North American Vertical Datum of 1988;
 - (2) The elevation of the base flood;
 - (3) Supplemental information as may be necessary under 34 Pa. Code, the 2006 IBC or the 2006 IRC.
2. The following additional information shall be required:
- 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. Proposed lowest floor and basement elevations in relation to mean sea level.
 - 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.
3. If any proposed construction or development is located within or adjacent to any identified flood-prone area, applicants for a building permit shall also provide the following specific information:
- A. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective work. Included shall be all plans for proposed subdivision and land development in order to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
 - (4) Structures will be anchored to prevent floatation, collapse, or lateral movement;

- (5) Building materials are flood-resistant;
 - (6) Appropriate practices that minimize flood damage have been used; and
 - (7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- B. Such plan shall also include existing and proposed contours; information concerning the one-hundred-year flood elevation, velocities and other applicable information, such as pressures and impact and uplift forces, associated with the one-hundred-year flood; size of structures; location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures.
- C. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyance factors associated with the one-hundred-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.

§ 8-205. Review by County Conservation District. [Ord. 1174, 2/24/2011]

A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the floodplain administrator 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 floodplain administrator for possible incorporation into the proposed plan.

§ 8-206. Review of Application by Others. [Ord. 1174, 2/24/2011]

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the floodplain administrator to any other appropriate agencies and or individuals, including the Scottsdale Borough Planning Commission and the Municipal Engineer of the Borough, for review and comment.

§ 8-207. Changes. [Ord. 1174, 2/24/2011]

After the issuance of a building permit by the floodplain administrator, 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 floodplain administrator.

§ 8-208. Placards. [Ord. 1174, 2/24/2011]

In addition to the building permit, the floodplain administrator shall issue a placard, which shall be displayed on the premises during the time construction is in progress. This placard shall be in a manner and form as designated by the Borough of Scottdale.

§ 8-209. Start of Construction. [Ord. 1174, 2/24/2011]

The "start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; 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.

§ 8-210. Inspection and Revocation. [Ord. 1174, 2/24/2011]

During the construction period, the floodplain administrator or other authorized official may 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. In the event the floodplain administrator 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 floodplain administrator shall revoke the building permit and report such fact to the Council of Scottdale Borough for whatever action it considers necessary.

§ 8-211. Fees. [Ord. 1174, 2/24/2011]

Applications for a building permit shall be accompanied by a fee, payable to the Borough of Scottdale, based upon the fee schedule of said Borough then in effect.

§ 8-212. Enforcement. [Ord. 1174, 2/24/2011]

1. Notices. Whenever the floodplain administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any regulation adopted pursuant thereto, such authority will 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 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, or any part thereof, and with the regulations adopted pursuant thereto.
2. Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Scottsdale Borough Zoning Hearing Board, provided that such person shall file with the Scottsdale Borough Zoning Hearing Board Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the notice was served. The hearing shall be conducted in accordance with the rules and regulations of the Scottsdale Borough Zoning Hearing Board.
 3. Findings and Order. After such hearing, the Scottsdale Borough Zoning Hearing Board shall make findings as to compliance with the provisions of this chapter and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice, which shall be served as provided in Subsection 1 of this section.
 4. Record and Appeals. The proceedings at such hearing, including the findings and decision of the Scottsdale Borough Zoning Hearing Board, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the Borough of Scottsdale, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by a decision of the Scottsdale Borough Zoning Hearing Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.
 5. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the floodplain administrator 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 nor more than \$300, plus costs of prosecution, and/or to imprisonment for a term 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 proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Council of Scottsdale Borough to be a public nuisance and abatable as such.

§ 8-213. Appeals. [Ord. 1174, 2/24/2011]

1. Any person aggrieved by an action or decision of the floodplain administrator, or by any of the requirements of this chapter, may appeal to the Scottsdale Borough Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision or action of the floodplain administrator. Upon receipt of such appeal, the Scottsdale Borough Zoning Hearing Board shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.
2. Any person aggrieved by any decision of the Scottsdale Borough Zoning Hearing Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.

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PART 3**Identification of Flood-Prone Areas****§ 8-301. Identification. [Ord. 1174, 2/24/2011]**

1. The identified floodplain area shall be any areas of the Borough of Scottsdale classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), dated March 17, 2011, and issued by the Federal Emergency Management Agency (FEMA), or the most-recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
2. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by the Borough of Scottsdale and declared to be a part of this chapter.
3. Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area shall consist of the following specific areas:
 - A. Floodway Area:
 - (1) Description: the area identified as Floodway in the FIS, which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.
 - (2) This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
 - B. Special Floodplain Area:
 - (1) Description: the areas identified as Zones AE and A1-30 in the FIS, which are subject to inundation by the one-percent-annual-chance flood event, determined by detailed methods, and have base flood elevations (BFEs) shown.
 - C. Approximate Floodplain Area:
 - (1) Description: the areas identified as Zone A in the FIS, which are subject to inundation by the one-percent-annual-chance flood event, determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

- (2) When available, information from other federal, state, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE 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 municipality 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 of Scottsdale.

§ 8-302. Changes in Identification of Flood-Prone Areas. [Ord. 1174, 2/24/2011]

1. The areas considered to be flood-prone may be revised or modified by the Council of Scottsdale Borough where studies or information provided by a qualified agency or person documents the need or advisability for such revision.
2. No modification or revision of any area identified as being flood-prone in a Flood Insurance Study prepared by the Federal Emergency Management Agency shall be made without prior approval from the Federal Emergency Management Agency.
3. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

§ 8-303. Disputes. [Ord. 1174, 2/24/2011]

Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the floodplain administrator; and any person aggrieved by such decision may appeal to the Scottsdale Borough Zoning Hearing Board. The burden of proof shall be on the appellant.

PART 4
Technical Provisions

§ 8-401. General Requirements. [Ord. 1174, 2/24/2011]

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 and until all required permits or approvals have been first obtained from the Department of Environmental Protection's regional office. Technical or scientific data shall be submitted to FEMA for a letter of map revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
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.
3. In addition, FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
4. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.

§ 8-402. Special Floodway and Stream Setback Requirements. [Ord. 1174, 2/24/2011]

1. Within any floodplain 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 Protection's regional office.
2. Within any special floodplain areas and approximate floodplain areas, 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.
 - B. In special floodplain areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that

the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

§ 8-403. Elevation and Floodproofing Requirements. [Ord. 1174, 2/24/2011]

1. Residential Structures. Within any floodplain area, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least 1 1/2 feet above the one-hundred-year flood elevation.
2. Nonresidential Structures. Within any floodplain area, the lowest floor, including basement, of any new or improved nonresidential structures shall be at least 1 1/2 feet above the one-hundred-year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 - A. Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice. A record of such certificates, which include the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator or other authorized municipal representative.
 - B. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC), or the most-recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized.

§ 8-404. Design and Construction Standards. [Ord. 1174, 2/24/2011]

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

- A. Fill. If fill is used, it shall:
 - (1) Extend laterally at least 15 feet beyond the building line from all points;
 - (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
 - (3) Be compacted to provided the necessary permeability and resistance to erosion, scouring or settling;

- (4) Be no steeper than one vertical to two horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the floodplain administrator; and
 - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points 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.
- C. **Sanitary Sewer Facilities.** All new or replacement sanitary sewer facilities and private package sewer treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. 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. The design and construction provisions of the UCC and FEMA No. 348, Protecting Building Utilities from Flood Damages, and the International Private Sewage Disposal Code shall be utilized.
- D. **Water Facilities.** All new or replacement water facilities shall be designed to minimize infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- E. **Streets.** The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- F. **Utilities.** All utilities, such as gas lines, electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- G. **Storage.** No materials that are buoyant, flammable, explosive or, in time of flooding, could be injurious to human, animal or plant life shall be stored below the regulatory flood elevation.
- H. **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 floodwaters.
- I. **Anchoring.**

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
- (2) 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.

J. Floors, Walls and Ceilings.

- (1) 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.
- (2) Plywood used at or below the regulatory flood elevation shall be of marine or water-resistant variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

K. Paints and Adhesives.

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

L. Electrical System and Components.

- (1) Electric water heaters, furnaces, air-conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.
- (2) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing.

- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
 - (2) No part of any on-site sewage disposal system shall be located within any identified flood-prone area.
 - (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.
 - (4) All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provision shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- N. Fully enclosed space below the lowest floor (excluding basements) 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. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

§ 8-405. Development Which May Endanger Human Life. [Ord. 1174, 2/24/2011]

1. In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community and Economic Development 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, or will involve the production, storage, or use of any amount of radioactive substances, 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 otherwise regulated.
2. Within any floodplain area, any structure of the kind described in Subsection 1 above shall be prohibited.
 3. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 1 of this section shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and
 - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
 4. 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 Floodproofing Regulations (United States Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standards.

§ 8-406. Special Requirements for Manufactured Homes. [Ord. 1174, 2/24/2011]

1. Within any floodway area, manufactured homes shall be prohibited.
2. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation.
 - C. Anchored to resist flotation, collapse, or lateral movement.
3. Installation of manufactured homes shall be done in accordance with the manufacture's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the United States Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, shall apply and 34 Pa. Code Chapters 401-405. Consideration shall be given to the installation requirements of the 2006 IBC and the 2006 IRC, or the most-recent revisions thereto, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the unit's(s) proposed installation.

§ 8-407. Special Requirements for Subdivisions. [Ord. 1174, 2/24/2011]

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision or letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 8-408. Special Requirements for Recreational Vehicles. [Ord. 1174, 2/24/2011]

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- A. Be on the site for fewer than 180 consecutive days;
- B. Be fully licensed and ready for highway use; or
- C. Meet the permit requirements for manufactured homes. Please see § 8-406, Special Requirements for Manufactured Homes.

§ 8-409. Activities Requiring Special Permits. [Ord. 1174, 2/24/2011]

1. It has been determined that the following activities and development present a special hazard to the health and safety of the general public or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and developments are located, either entirely or partially, within an identified floodplain area:
 - A. Hospitals (public or private).
 - B. Nursing homes (public or private).
 - C. Jails or prisons.
 - D. New manufactured home parks and manufactured home subdivisions and substantial improvements thereto.
 - E. Facilities necessary for emergency response, such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any identified flood-prone area, unless a special permit has been issued by the Borough of Scottsdale and the floodplain administrator.

2. Application for a special permit shall consist of at least six copies of the following items, two of which shall be submitted to the Department of Community and Economic Development, Bureau of Planning:
 - A. A written request which includes the information specified in § 8-204, Subsection 1.
 - B. A plan of the site, drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) A location map showing the vicinity in which the proposed activity or development is to be located within the municipality.
 - (3) Topography showing existing and proposed contours at intervals of two feet.
 - (4) All property and lot lines, including dimensions, and the size of the site, expressed in acres or square feet.

- (5) The location of all existing streets, drives and other accessways, with information concerning widths, pavement types and construction, and elevations.
 - (6) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and other natural or man-made features affecting, or affected by, the proposed activity or development.
 - (7) The location of the identified flood-prone area boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water, including direction and velocities.
 - (8) A general plan of the entire site accurately showing the location of all proposed buildings, structures and any other improvements.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
- A. Detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.
 - B. The proposed finished floor elevations of any proposed building.
 - C. Complete information concerning the hydrostatic and hydrodynamic forces and pressures that will exist during the course of a one-hundred-year flood, including impact loads.
 - D. Detailed information concerning any proposed floodproofing measures.
 - E. Cross-section drawings for all proposed streets, drives and accessways showing all rights-of-way and pavement widths.
 - F. Profile drawings of all proposed streets, drives and vehicular accessways, including existing and proposed grades.
 - G. Plans and profiles of all proposed sanitary and storm sewage systems, water supply systems, and any other utilities and facilities.
4. The following data and documentation:
- A. 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;
 - B. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been

- adequately designed to protect against damage from the one-hundred-year flood;
- C. 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 one-hundred-year flood, including a statement concerning the effects such pollution may have on human life;
 - D. 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 one-hundred-year flood elevations and flows;
 - E. 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 one-hundred-year flood elevations and flows;
 - F. The appropriate component of the Department of Environmental Protection's Planning Module for Land Development;
 - G. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - H. Any other applicable permits, such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and⁵
 - I. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.
5. Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to those of 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, if such agencies exist.

⁵Editor's Note: See 32 P.S. § 679.302.

- B. If an application is received that is incomplete, the Borough shall notify the applicant, in writing, stating in what respect 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 and Economic Development, by registered or certified mail, within five working days after the date of approval.
 - E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days after receipt of the notification by the Department to review the application and decision made by the Borough.
 - F. If the Borough does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
 - G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval.
6. In addition to any other requirements of this Part, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those located elsewhere in this chapter or in any other code ordinance or regulation, the more-restrictive provision shall apply.
- A. Sufficient documentation shall accompany every application to demonstrate that the proposed activity or development will:
 - (1) 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:
 - (a) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one-hundred-year flood elevation.
 - (b) The first-floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.

- (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time.
 - (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. At a minimum, all new structures shall be designed and constructed so that:
 - (a) There will be no pollution from the structure or activity during the course of a one-hundred-year flood.
 - (b) There will be no increase in the one-hundred-year flood elevation.
 - (c) There will be no loose, buoyant materials of any kind below the one-hundred-year flood elevation.
- B. 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 of Scottsdale and the Department of Community and Economic Development.
- C. In approving any application for a special permit, the Borough of Scottsdale may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this chapter and to protect the general health, safety and welfare of the public.

PART 5
Variances

§ 8-501. Procedures. [Ord. 1174, 2/24/2011]

1. If compliance with the elevation or floodproofing requirements of this chapter would result in an exceptional hardship for a prospective builder, developer or landowner, the Borough of Scottsdale Zoning Hearing Board may, upon request, grant relief from the strict application of the requirement.
2. Requests for variances shall be considered by the Scottsdale Borough Zoning Hearing Board in accordance with the procedures contained in § 8-213, Subsection 1, and the following procedures:
 - A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.
 - B. No variance shall be granted for any construction, development, use, or activity within any special floodplain area that would, together with all other existing and anticipated development, increase the BFE than one foot at any point.
 - C. If granted, a variance shall involve only the least modification necessary to provide relief.
 - D. In granting any variance, the Scottsdale Borough Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
 - E. Whenever a variance is granted, the Scottsdale Borough Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance; and
 - (2) Such variances may increase the risks to life and property.
 - F. In reviewing any request for a variance, the Scottsdale Borough Zoning Hearing Board shall consider, but not be limited to, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.

- (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or state ordinances and regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Scottsdale Borough Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

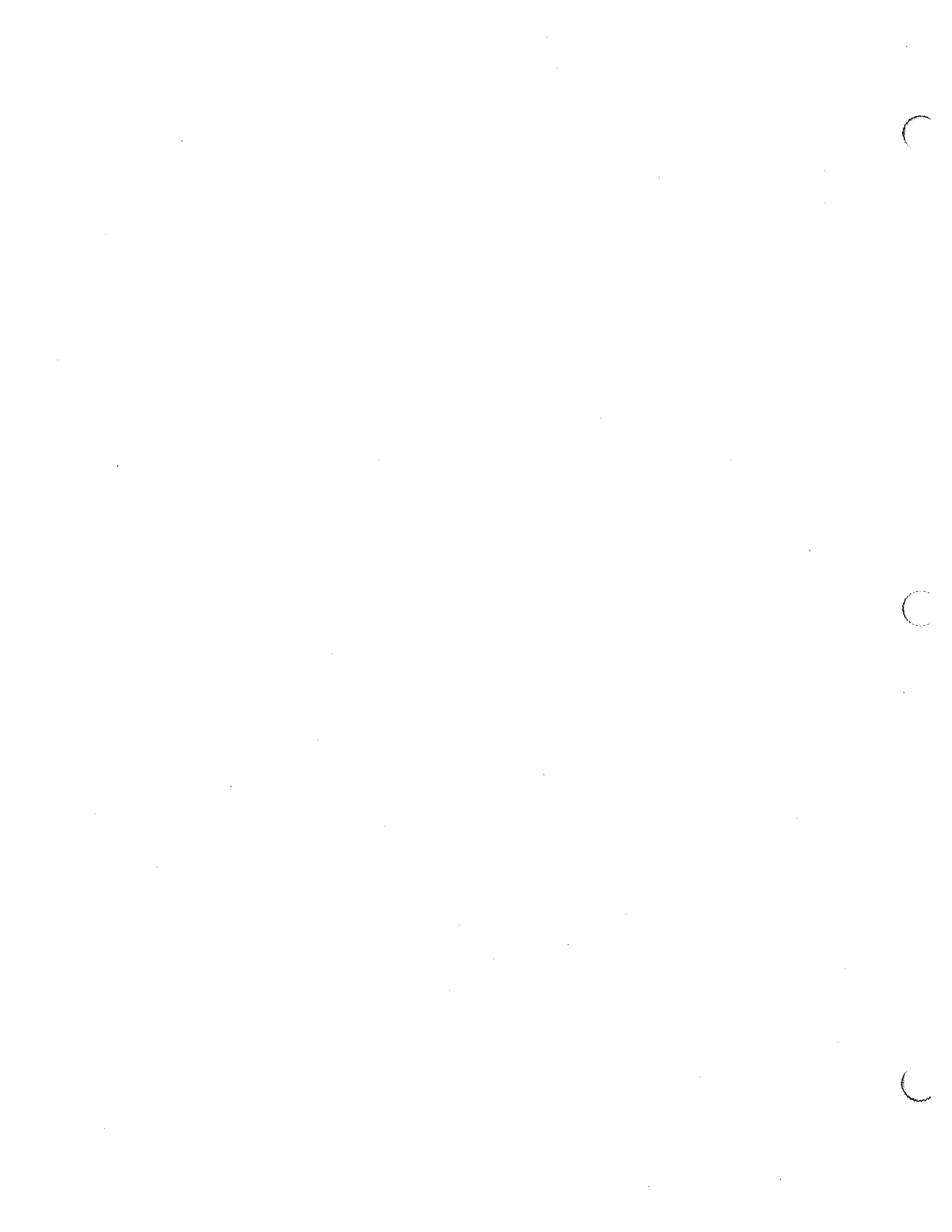
Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the one-hundred-year flood.

- H. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to "activities requiring special permits" (§ 8-409) or to "development which may endanger human life" (§ 8-405).
- I. No variance shall be granted for any construction, development, use, or activity within any special floodplain area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
- J. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to "activities requiring special permits" (§ 8-409) or to "development which may endanger human life" (§ 8-405).

PART 6**Existing Structures in Flood-Prone Areas****§ 8-601. Conditions to Remain. [Ord. 1174, 2/24/2011]**

Structures existing in any identified floodplain area prior to the enactment of this Part 6, but which are not in compliance with these provisions, may continue to remain, subject to the following:

- A. Existing structures located in any designated floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of more than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- C. 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 be undertaken only in full compliance with the provisions of this Part 6.
- D. No expansion or enlargement of an existing structure shall be allowed within any special floodplain area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.



PART 7**Definitions****§ 8-701. Interpretation. [Ord. 1174, 2/24/2011]**

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

§ 8-702. Specific Definitions. [Ord. 1174, 2/24/2011]

As used in this chapter, the following terms shall have the meanings indicated:

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.

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood").

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

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 manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, the storage of equipment or materials and the subdivision of land.

ESSENTIAL 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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FOOD-FRINGE AREA — That portion of the floodplain outside of the floodway area.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN — See definition of "flood-prone area."

FLOOD-PRONE AREA — 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.

FLOODPROOFING — Any combination of structural and nonstructural 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 channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY AREA — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. 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.

LAND DEVELOPMENT —

- A. The improvement of one lot, or two or more contiguous lots, tracts or parcels of land, for any purpose involving:
 - (1) A group of two or more buildings; or
 - (2) 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;
- B. A subdivision of land.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished, flood-resistant, partially enclosed area, used 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 designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles, which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after October 7, 1985, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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 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 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 a one-percent chance of occurring each year, although the flood may occur in any year).

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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 placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, 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. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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 divisions 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 exempted.

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 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage (or "repetitive loss," when a repetitive loss

provision is used) regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.