TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE 2016-255

AN ORDINANCE AMENDING TOWNSHIP CODE, CHAPTER 145, VEHICLES AND TRAFFIC, TO ESTABLISH BRAKE RETARDER PROHIBITION ZONES.

WHEREAS, the Board of Supervisors of Worcester Township desires to prohibit the use of brake retarders along certain roadways, in order to protect and promote the health, safety and general welfare of the community.

NOW, THEREFORE, the Board of Supervisors hereby ordains and enacts as follows:

SECTION I – The Code of the Township of Worcester, Chapter 145, Vehicles and Traffic, is hereby amended to add Article V entitled "Brake Retarder Restrictions".

SECTION II – New Article V shall include the following provisions:

1. §145-6. Brake Retarder Restriction Locations. The use of brake retarders shall be prohibited at all times at the following locations:
   a. Skippack Pike, from a point 150 east of the centerline of Hollow Road to Shearer Road;
   b. Bustard Road, from Skippack Pike to the municipal boundary line between Worcester Township and Towamencin Township; and,
   c. Valley Forge Road, from Skippack Pike to the municipal boundary line between Worcester Township, Towamencin Township and Upper Gwynedd Township.

2. §145-7. Violations and Penalties. Any person, firm, corporation or utility which shall violate any of the provisions of §145-6 shall be subject to, upon conviction before a District Justice, a penalty as provided in Chapter 1, Article II, General Penalty, specifically, §1-16A.

SECTION III – General Provisions.

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

3. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

4. This Ordinance shall take effect and be in force from and after its approval as required by the law.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 29th day of February, 2016.

FOR WORCESTER TOWNSHIP

By: _____
Susan G. Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary

TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE 2016-256
"Floodplain Conservation District Ordinance"

AN ORDINANCE AMENDING ARTICLE XX ("FP FLOOD PLAIN CONSERVATION DISTRICT") OF CHAPTER 150 ("ZONING") OF THE CODE OF ORDINANCES OF WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PA REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF WORCESTER TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

WHEREAS, Pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Worcester Township is empowered to enact, and amend zoning ordinances to implement comprehensive plans and to accomplish any of the purposes of the Pennsylvania Municipalities Planning Code;

WHEREAS, the Board of Supervisors of Worcester Township has proposed certain changes to Chapter 150, Article XX of the Code of Worcester Township pursuant Article VI, Section 609 of the Pennsylvania Municipalities Planning Code.

WHEREAS, The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.

WHEREAS, Pursuant to Article VI, Section 609, of the Pennsylvania Municipalities Planning Code, the proposal was provided to the Montgomery County Planning Commission for its review and comments;

WHEREAS, Pursuant to Article VI, Section 609 of the Pennsylvania Municipalities Planning Code the proposal was provided to the Worcester Township Planning Commission for its review and comment;

WHEREAS, the Worcester Township Board of Supervisors conducted a public hearing on the proposal on February 29, 2016;

WHEREAS, it is in the best interest of Worcester Township to adopt as an amendment to Chapter 150 ("Zoning"), the proposed changes, additions, and deletions.

AND NOW, the Board of Supervisors of Worcester Township hereby enacts and ordains, and it is hereby ENACTED and ORDAINED as follows:

SECTION 1.

Chapter 150 ("Zoning"), Article XX ("FP Flood Plain Conservation District") of the Worcester Township Code is hereby amended by deleting the existing Article XX regulations and replacing it with a new Article XX entitled "FP Floodplain Conservation District" as follows:

ARTICLE XX: FLOODPLAIN CONSERVATION DISTRICT.

Part One. General Provisions.

§ 150-135.1. Statutory Authorization.

The Board of Supervisors of Worcester Township is empowered to regulate building and land use activities that affect the floodplain by the Legislature of the Commonwealth of Pennsylvania, and by the passage of the Pennsylvania Flood Plain Management Act of 1978(which delegates the responsibility of floodplain management to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry). Furthermore, in light of Worcester Township's certification as eligible for The National Flood Insurance Program, it is the intent of this Article to provide adequate protection for flood-prone properties within Worcester Township.

§ 150-135.2. Intent.

A. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.

B. To permit only those uses which can be appropriately located in the floodplain, as herein defined, and which will not impede the flow or storage of floodwaters or otherwise cause danger to life and property at, above or below their locations along the floodplain.

C. To protect those individuals who might choose, despite the dangers, to develop or occupy land on a floodplain.

D. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of floodwaters.

E. To maintain undisturbed the ecological balance between those natural system elements, including wildlife, vegetation and marine life, dependent upon watercourses and water areas.

F. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.

G. To require that uses vulnerable to floods be developed so as to be protected from flood damage in accordance with the requirements of the National Flood Insurance Program.

H. To provide retention areas for the temporary storage of floodwaters.

I. To provide sufficient drainage courses to carry abnormal flows of stormwater runoff in periods of heavy precipitation.

J. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.

K. To combine with zoning requirements, certain restrictions made necessary for flood-prone areas, to promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.

L. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

M. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying floodplain areas and promoting safe and sanitary drainage.

N. To protect Worcester Township and its residents from individual uses of land that may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of Worcester Township.

O. To comply with Federal and State floodplain management requirements.

§ 150-135.3. Applicability.

A. The Floodplain Conservation District is defined and established as a district applicable to those areas of Worcester Township subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016 and subsequent revisions thereto. Said floodplain areas shall consist of the following specific areas:

1. Special Flood Hazard Area (SFHA) is that area which will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. This is also referred to as the Base Flood or 100-year flood. SFHAs identified by FEMA and applicable to Worcester Township are Zone A and Zone AE which are defined as follows:

   a. **Zone A** - Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

   b. **Zone AE** - Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown.

2. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov/), shall be considered part of the Floodplain Conservation District (FCD), unless the area of such soils overlaps a Special Flood Hazard Area (SFHA) identified by FEMA, in which case, the FCD at such overlapping areas shall be based on the FEMA SFHAs boundary. Any property owner wishing to develop in an area where there is no FEMA SFHA, but contains the Floodplain Soils identified below, shall submit an engineering study to Worcester Township in sufficient detail so that the Municipal Engineer may determine if proposed development activity will encroach upon the boundary of the Base Flood Elevation. If these soil areas are not part of the property area

proposed for development, Worcester Township may not require an engineering study to determine the Base Flood Elevation at the advice of the Township Engineer, but shall require said soil areas to be appropriately delineated on all subdivision, development or building plans to be submitted to the Township. Floodplain areas identified based upon Floodplain Soils shall be considered part of the Floodplain Conservation District and subject to the requirements of this Article. Floodplain Soils with a frequency of flooding of 1% or greater per year include:

a. Bowmansville-Knauers (Bo)

b. Rowland (Rt)

c. Rowland (RwA)

d. Rowland (RwB)

3. In lieu of the mapping provided for § 150-135.3.A.1 and § 150-135.3.A.2, above, for areas that have been subject to inundation during a 100-year frequency flood, Worcester Township may require the property owner/developer to determine the 1-percent-annual-chance flood elevation (Base Flood Elevation) and boundary with hydrologic and hydraulic engineering techniques. Areas studied shall be identified by field survey and hydrologic and hydraulic analyses and such studies shall be undertaken only by professional engineers licensed in the Commonwealth of Pennsylvania 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 Township. Floodplain areas identified by hydrologic and hydraulic study shall be considered part of the Floodplain Conservation District and subject to the requirements of this Article.

B. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Worcester Township which is hereby made a part of this Article, and additional areas as described in § 150-135.3.A.2 and § 150-135.3.A.3. The FEMA FIRMs are available for inspection at the municipal office.

C. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of action of the Board of Supervisors of Worcester Township in amending this Article or the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of the Floodplain Conservation District. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located, be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.

D. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere in Worcester Township within the Floodplain Conservation District unless a Permit has been obtained from the Floodplain Administrator.

E. A Permit shall not be required for minor repairs to existing buildings or structures (Refer § 150-9 for definition of "minor repairs").

§ 150-135.4. Abrogation and Greater Restrictions.

This Article supersedes any other conflicting provisions which may be in effect within the Floodplain Conservation District defined by this Article and Section 150-9. However, any other such ordinance 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 Article, the more restrictive shall apply.

§ 150-135.5. Severability.

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

§ 150-135.6. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The grant of a zoning permit or variance, or authorization of improvements/development activities under this Article does not constitute a representation, guarantee or warranty of any kind by Worcester Township that areas outside the Floodplain Conservation District or development activities and improvements permitted within such areas will be free from flooding or flood damages or that the improvements/development activities are feasible and safe. This Article shall not create liability on the part of Worcester Township, or any officer, employee, or designated consultant, thereof, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Part Two. Definitions.

§ 150-135.7. General.

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter it's most reasonable application.

§ 150-135.8. Specific Definitions.

For this Article XX, only, the following definitions shall apply:

A. **Accessory Use or Structure** – A use customarily incidental and subordinate to the principal use of land or a building or other structure on a lot or portion thereof located on the same lot with such principal use.

B. **Base Flood** – a flood which has a one (1) percent chance of being equaled or exceeded in any given year (also called the "1% frequency flood" or the "100-year flood" or the "100-year frequency flood", or the "1-percent-annual-chance flood").

C. **Base Flood Discharge** – the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

D. **Base Flood Elevation (BFE)** – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE and AH that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The Base Flood Elevation is also shown on the Flood Insurance Study (FIS) profile, and can be determined for Zone A Floodplains. The Base Flood Elevation shall also be considered the One-Hundred-Year-Flood Elevation as calculated utilizing hydrologic and hydraulic engineering techniques, where such elevations are not identified by FEMA FIRMs.

E. **Basement** – any area of the building having its floor below ground level on all sides.

F. **Building** – A combination of materials to form a structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

G. **Development** – any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.

H. **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 Worcester Township.

I. **Existing Structure/Existing Construction** – a structure, for which the "start of construction" commenced before the effective date of the FIRM.

J. **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 manufacturing 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).

K. **Flood** – a temporary inundation of normally dry land areas.

L. **Flood Insurance Rate Map (FIRM)** – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of Special Flood Hazards and the risk premium zones applicable to Worcester Township.

M. **Flood Insurance Study (FIS)** – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the Base Flood.

N. **Floodplain 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.

O. **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.

P. **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.

Q. **Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

R. **Highest Adjacent Grade** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

S. **Historic Structures** – any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

2. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;

3. Designated as historic by Worcester Township Ordinance by being:

   a. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code; or

   b. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

T. **Lowest Floor** – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

U. **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.

V. **Manufactured Home Park or Subdivision** – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

W. **Minor Repair** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include the addition to, alteration of, replacement or relocation of any standpipe, water supply,

sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

X. **New Construction** – structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after March 16, 1981 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Y. **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 Worcester Township.

Z. **One-Hundred-Year Flood** – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "1% frequency flood" or the "100-year flood" or the "100-year frequency flood" or the "Base Flood", as defined by FEMA in the Flood Insurance Study for Worcester Township.

AA. **Person** – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

BB. **Post-FIRM Structure** – A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial FIRM dated November 1, 1974, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

CC. **Pre-Firm Structure** – A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial FIRM dated November 1, 1974, and, as such would not be required to be compliant with the regulations of the NFIP.

DD. **Recreational Vehicle** – a vehicle which is:

1. built on a single chassis;
2. not more than 400 square feet, measured at the largest horizontal projections;
3. designed to be self-propelled or to be permanently towable by a light-duty truck;
4. not designed for use as a permanent dwelling, rather but as temporary living quarters for recreational, camping, travel, or seasonal use.

EE. **Regulatory Flood Elevation** – The Regulatory Flood Elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the Base Flood Elevation (BFE) plus a freeboard of 1-½ feet.

FF. **Repetitive Loss** – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such

flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

GG. **Special Permit** – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all entirely, or a designated portion of partially within a floodplain.

HH. **Special Flood Hazard Area (SFHA)** – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A and Zone AE.

II. **Start of Construction** – includes substantial improvement and other proposed new development within a floodplain 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; and such construction shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. 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.

JJ. **Structure** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including a walled and roofed building, a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

KK. **Subdivision** – The division or re-division 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, partition by the court for the distribution to heirs or devisees, or the transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

LL. **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.

MM. **Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent 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"

regardless of the actual repair work performed. The term does not, however include 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. Refer to § 60-17.E for alteration of historic structures.

NN. **Uniform Construction Code (UCC)** – The statewide building code adopted by The Pennsylvania General Assembly in 1999, which is applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

OO. **Variance** - A grant of relief by the Worcester Township Zoning Hearing Board from the terms of the Floodplain Management Regulations.

PP. **Violation** – means the failure of a structure or other development to be fully compliant with Worcester Township's Floodplain Management Regulations (Chapter [NUMBER] of the Worcester Township Code). 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.

Part Three. Identification of Floodplain Areas.

§ 150-136.1. Identification.

The Floodplain Conservation District shall be:

A. Areas of Worcester Township classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 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.

B. Areas with soils listed in § 150-135.3.A.2.

C. Other areas identified pursuant to § 150-135.3.A.3.

D. Community Identified Flood Hazard Areas (Refer to § 150-136.2.C).

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Worcester Township and declared to be a part of this Article.

§ 150-136.2. Description and Special Requirements of the Floodplain Conservation District.

The Floodplain Conservation District shall consist of the following specific areas/districts:

A. The Floodway Area/District shall be those areas identified as Floodway in the FIS and the FIRM as well as those Floodway Areas which have been identified in other available

studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS. The floodway 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 (1) foot at any point.

1. Within any Floodway Area, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the Base Flood discharge.

2. No new construction or development within a Floodway Area shall be allowed, unless a variance is obtained from the Worcester Township Zoning Hearing Board, and a permit is obtained from the Pennsylvania Department of Environmental Protection.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided and a floodway has been delineated.

C. Community Identified Flood Hazard Areas shall be those areas where Worcester Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

D. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance 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 Floodplain Conservation District which is nearest the construction site.

In lieu of the above, Worcester Township may require the applicant to determine the floodplain elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers licensed in the Commonwealth of Pennsylvania 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 Worcester Township.

E. All Floodplain Conservation District Areas determined by hydrologic and hydraulic engineering techniques pursuant to § 150-135.3.A.3 of this Article and which are not FEMA SFHAs, shall be subject to the provisions of this Article and the following additional requirements:

1. No permit shall be granted for any construction, development, use, or activity within a Floodplain Conservation District Area, unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other

existing and reasonably anticipated development, increase the One-Hundred-Year-Flood Elevation more than one (1) foot at any point.

2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a Zoning Variance is approved for such activity and appropriate permit is obtained from both Worcester Township and the Pennsylvania Department of Environmental Protection

F. All Floodplain Conservation District Areas identified based on Floodplain Soils pursuant to § 150-135.3.A.2 of this Article and which are not FEMA SFHAs, shall be subject to the provisions of this Article including § 150-136.2.E.1 and § 150-136.2.E.2.

§ 150-136.3. Changes in Identification of Area.

The area of the Floodplain Conservation District as identified on FEMA FIRMs may be revised or modified by the Board of Supervisors of Worcester Township where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable but not later than six (6) months after the date such information becomes available, FEMA shall be notified of the changes by submission of technical or scientific data. Refer to § 150-139.1.A for FEMA notification requirements.

§ 150-136.4. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Worcester Township Engineer and any party aggrieved by this decision or determination may appeal to the Worcester Township Zoning Hearing Board pursuant to Part Five of this Article and Article XXVI of Chapter 150 of the Worcester Township Code. The burden of proof shall be on the appellant. All changes to the Special Flood Hazard Areas identified on FEMA FIRMs must be reviewed and approved by FEMA.

§ 150-136.5. Corporate Boundary Changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, Worcester Township shall review flood hazard data affecting the lands subject to boundary changes. Worcester Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in the Code of Federal Regulations CFR 44 60.3.

Part Four. Uses Permitted in the Floodplain Conservation District.

§ 150-137.1. Uses Permitted by Right.

Conditioned upon approval of a Permit by the Floodplain Administrator as identified in this Article, the following uses, in compliance with the requirements of this Article, are permitted by right in the Floodplain Conservation District:

A. Up to half of any required yard setback area on an individual lot may extend into the Floodplain Conservation District.

B. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:

1. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

2. Streambank stabilization, provided that all required State and Federal regulatory permits and approvals are obtained.

C. Forestry operations reviewed by the Montgomery County Conservation District. Forestry activity is not permitted within 50 feet of the top of bank of a watercourse.

D. The following floodplain crossings are permitted when approved by the Zoning Hearing Board of Worcester Township where no other realistic design or alignment is possible, provided that disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable, and provided that all required local, State, and Federal regulatory permits and approvals are obtained for such crossings:

1. Agricultural crossings by farm vehicles and livestock.

2. Utilities, recreational trails, railroads and driveways (serving single family detached dwelling units), roadways, streets and appurtenant stormwater conveyance facilities.

No improvement of any kind shall be made unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way and unless the effect of such proposed activity is fully offset by accompanying stream improvements.

E. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Pennsylvania Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. Agricultural uses resulting in the stripping of topsoil or clearing of vegetation and trees within 50 feet of the top of bank of a watercourse are not permitted.

F. Public sewer and/or water lines and public utility transmission lines installed along a watercourse, within the Floodplain Conservation District.

§ 150-137.2. Uses Prohibited in the Floodplain Conservation District.

Any use or activity not authorized within § 150-137.1, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited:

A. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including walls.

B. New construction of buildings or placement of fill within the 100-year floodplain.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

D. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under § 150-137.1, herein, and where the effects of these actions are mitigated by reestablishment of vegetation, approved by Worcester Township.

E. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.

F. Roads or driveways, except where permitted as corridor crossings in compliance with § 150-137.1, herein.

G. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

H. Paved or all-weather parking lots.

I. Subsurface sewage disposal facilities.

J. Sod farming.

K. Stormwater control facilities, including necessary berms, outfall facilities, and any underground storage/treatment areas.

L. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and miscellaneous materials or storage of any buoyant, toxic or dangerous materials.

M. Private water supply wells.

N. Stripping of top soil or removal of groundcover vegetation and trees within 50 feet of the bank of a watercourse, except as incidental to activities permitted under § 150-137.1, herein.

O. New fencing in the floodway and 100-year floodplain

§ 150-137.3. Nonconforming Structures and Uses in the Floodplain District.

A. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 150-137.4 and Part Five of this Article, and Article XXIII of Chapter 150 of the Worcester Township Code shall apply.

B. Following the adoption of this Article, any use or structure which is situated within the boundaries of the Floodplain Conservation District and which does not conform to the permitted uses specified in § 150-137.1 herein shall become a nonconforming use or structure, regardless of its conformance to the zoning district in which it is located without consideration of this Article.

§ 150-137.4. Improvements to Existing Structures in the Floodplain Conservation District.

The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District (Refer § 150-136.2.A) that would cause any increase in the elevation of the Base Flood Elevation, and unless appropriate permit is obtained for such construction or development from Worcester Township and from the Pennsylvania Department of Environmental Protection.

B. No expansion or enlargement of an existing structure shall be allowed within the Floodplain Conservation District, as defined by § 150-136.2.B, § 150-136.2.E or § 150-

136.2.F, that would, together with all other existing and anticipated development, increase the One-Hundred-Year-Flood Elevation more than one (1) foot at any point.

C. Within the Floodplain Conservation District, as defined by § 150-136.2.E or § 150-136.2.F, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a Zoning Variance is approved for such activity and appropriate permit is obtained from both Worcester Township and the Pennsylvania Department of Environmental Protection.

D. No expansion or enlargement of an existing structure shall be undertaken in the direction of the streambank.

E. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.

F. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Article must comply with all Article requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of this Article will be the minimum necessary to preserve the historic character and design of the structure.

G. The activities identified in § 150-137.4 shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

H. 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 Article.

Part Five. Variances.

§ 150-138.1. General.

If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Worcester Township Zoning Hearing Board may, upon request for Zoning Variance, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Worcester Township Zoning Hearing Board in accordance with the procedures contained in the Pennsylvania Municipalities Planning Code, § 150-138.2 and § 150-141.11 of this Article and Article XXVI of Chapter 150 of the Worcester Township Code.

§ 150-138.2. Variance Procedures and Conditions.

A. For a use other than those permitted in Article IV, an application seeking approval by variance shall be forwarded to the Worcester Township Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

B. No variance shall be granted for any construction, development, use, or activity within any Floodway Area that would cause ANY increase in the Base Flood Elevation.

C. No variance shall be granted for any construction, development, use, or activity within the Floodplain Conservation District, as defined by § 150-136.2.B, 150-136.2.E or 150-136.2.F, that would, together with all other existing and reasonably anticipated development, increase the One-Hundred-Year-Flood Elevation more than one (1) foot at any point.

D. Except for a possible modification of the Regulatory Flood Elevation requirement, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Article VII (pertaining to Activities Requiring Special Permits) or to Special Technical Requirements - Development Which May Endanger Human Life (Refer to § 150-139.3).

E. The effect of the use shall not substantially alter the cross-section profile of the stream and floodplain at the location of the proposed use.

F Lands abutting the waterway, both upstream and downstream, shall not be adversely affected by the proposed use.

G. The general welfare or public interest of Worcester Township or of other municipalities in the same watershed shall not be adversely affected.

§ 150-138.3. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 10 lots or at least 2 acres, whichever is the lesser, proposed to be partially or fully located within Special Flood Hazard Areas as identified by FEMA, 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 professional engineer licensed in the Commonwealth of Pennsylvania, in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the developer.

§ 150-138.4. Special Requirements for Manufactured Homes.

Within the Floodplain Conservation District, manufactured homes shall be prohibited. If permitted by Zoning Variance, obtained in accordance with the requirement of this Article, the following conditions/requirements shall apply:

A. No manufactured home shall be permitted within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. No Zoning Variance shall be approved for placement of a manufactured home within any Floodway Area/District.

C. All manufactured homes, and any improvements thereto, shall be:

1. Placed on a permanent foundation;

2. Elevated so that the lowest floor of the manufactured home is at least one and one half (1-½) feet above Base Flood Elevation; and

3. Anchored to resist flotation, collapse, or lateral movement; and

4. And have all ductwork and utilities, including HVAC/heating units, elevated to a point at or above the Regulatory Floodplain Elevation.

D. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply as well as 34 PA Code Chapter 401-405.

E. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

§ 150-138.5. Special Requirements for Recreational Vehicles.

A. Recreational vehicles in the Floodplain Conservation District must either:

1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or

2. Meet the permit requirements for manufactured homes in § 150-138.5.

§ 150-138.6. Variance Conditions.

A. If granted, a Zoning Variance shall permit only the least modification necessary to provide relief.

B. In granting any variance, the Worcester Township Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare of the residents of Worcester Township, and to achieve the objectives of this Article.

C. Whenever a variance is granted, the Zoning Hearing Board of Worcester Township shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.

D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

1. That there is good and sufficient cause, including:

a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the zoning district in which the property is located.

b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

c. That such unnecessary hardship has not been created by the owner/applicant/developer.

d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of the variance will:

a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

b. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

E. A complete record of all variance requests and related actions will be maintained by the Zoning Hearing Board of Worcester Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

F. Notwithstanding any of the above requirements; however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

Part Six. Technical Provisions in the Event of a Variance Being Granted.

§ 150-139.1. General.

In granting any variance, Worcester Township shall attach the following technical provisions as conditions to the decision within which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

A. Pertaining to the Alteration or Relocation of a Watercourse:

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection.

2. 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 and unless the effect of such proposed activity is fully offset by accompanying stream improvements.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse within a Special Flood Hazard Area identified by FEMA.

B. Technical and scientific data shall be submitted to FEMA by a developer, for any new construction, development, or other activity that will result in changes in the Base Flood Elevation. Conditional approval by FEMA must be obtained prior to a Worcester Township Zoning Hearing Board approval of any development in the floodway that causes a rise in the Base Flood Elevations; or any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the Base Flood Elevation; or alteration or relocation of a stream in a Special Flood Hazard Area (as designated by FEMA), including but not limited to installing culverts and bridges. Upon receipt of conditional approval of a map change by FEMA and prior to approval of proposed encroachments, Worcester Township shall provide evidence to FEMA of the adoption of Floodplain Management Ordinance Amendment incorporating the increased Base Flood Elevations and/or revised floodway reflecting the proposed post-project condition. Upon completion of construction of the proposed encroachments, the developer shall provide as-built certification to FEMA and Worcester Township. FEMA will initiate a final map revision upon receipt of such certifications in accordance with Code of Federal Regulations, 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

§ 150-139.2. Elevation and Floodproofing Requirements.

A. Residential Structures

1. In Zone AE, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with § 150-136.2.D of this Article.

3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 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, where they are more restrictive than other municipal codes and ordinances.

B. Non-residential Structures

1. In Zone AE, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up

to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

a. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and

b. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with § 150-136.2.D of this Article.

3. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall also be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect, licensed in the Commonwealth of Pennsylvania, which states that the proposed design and methods of construction are in conformance with the above referenced standards.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 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 where they are more restrictive than other municipal codes and ordinances.

C. Space below the lowest floor:

1. 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, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

2. Designs for meeting this requirement must either be certified by a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, or meet or exceed the following minimum criteria:

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.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures

1. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

   a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

   b. Floor area shall not exceed 600 square feet.

   c. The structure will have a low damage potential.

   d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

   e. Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.

   f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

   g. Subsurface sewage disposal facilities are prohibited.

   h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a professional engineer or architect licensed in the Commonwealth of Pennsylvania, 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 flood waters.

§ 150-139.3. Special Technical Requirements.

A. Development Which May Endanger Human Life

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Pennsylvania 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, will be used for any activity requiring the maintenance of a supply of more than five (5) gallons, or other comparable volume, 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 of this Article. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and Sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within the Floodplain Conservation District, any new or substantially improved structure of the kind described in § 150-139.3.A, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. Within any Floodway Area, any structure of the kind described in § 150-139.3.A, above, shall be prohibited.

D. Where permitted within the Floodplain Conservation District, any new or substantially improved residential structure of the kind described in § 150-139.3.A, above, shall be elevated to remain completely dry up to at least one and one half (1-½) feet above Base Flood Elevation and built in accordance with § 150-139.1, 150-139.2 and 150-139.4.

E. Where permitted by a Zoning Variance within the Floodplain Conservation District, any new or substantially improved non-residential structure of the kind described in § 150-139.3.A., above, shall be built in accordance with § § 150-139.1, 150-139.2 and 150-139.4 including:

1. Elevated or designed and constructed to remain completely dry up to at least one and one half feet (1-½) above the Base Flood Elevation, and

2. Designed to prevent pollution from the structure or activity during the course of a Base Flood Elevation.

3. 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 contained in the publication "Flood-Proofing

Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with other equivalent watertight standard, approved by Worcester Township.

§ 150-139.4. Design and Construction Standards.

The following minimum standards shall apply for all proposed construction and development that is permitted by Zoning Variance within the Floodplain Conservation District:

A. If fill is used, it shall:

1. Extend laterally at least fifteen (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 provide the necessary permeability and resistance to erosion, scouring, or settling;
4. Be no steeper than one (1) vertical to three (3) horizontal, feet 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 storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems and if permitted by issuance of a Zoning Variance. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and The International Private Sewage Disposal Code shall be utilized.

D. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage - All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in § 150-139.3.A, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures - All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. 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.

I. 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 a "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.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the Base Flood Elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment - Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

1. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.

a. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

b. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Part Seven. Activities Requiring Special Permits.

§ 150-140.1. General.

In accordance with the administrative regulations promulgated by the Pennsylvania Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the activities indicated in § 150-140.1.A and § 150-140.2.B shall be prohibited within the Floodplain Conservation District unless a Special Permit has been issued by Worcester Township.

A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals

2. Nursing homes

3. Jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§ 150-140.2. Application Requirements for Special Permits.

Applicants for Special Permits shall provide three (3) copies of the following items:

A. A written request including a completed Special Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. The location of the floodplain boundary line, information and spot elevations concerning the Base Flood Elevation, boundary of the Floodway Area and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities, and any other improvements; and

8. Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the Base Flood Elevation;

4. Detailed information concerning any proposed floodproofing measures;

5. Cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a professional engineer, architect, or landscape architect, licensed in the Commonwealth of Pennsylvania, that the proposed construction has been adequately designed to protect against damage from the Base Flood;

3. A statement, certified by a professional engineer, architect, landscape architect, licensed in the Commonwealth of Pennsylvania, 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 Base Flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a professional engineer, architect, or landscape architect, licensed in the Commonwealth of Pennsylvania, which contains a complete and accurate description of the effects the proposed development will have on the Base Flood Elevation and flows;

5. A statement, certified by a professional engineer, architect, or landscape architect, licensed in the Commonwealth of Pennsylvania, 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 Base Flood Elevation and the effects such materials and debris may have on Base Flood Elevation and flows;

6. The appropriate component of the Pennsylvania Department of Environmental Protection's Sewage Facilities Planning Module for land development;

7. 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;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Pennsylvania Department of Environmental Protection under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a Base Flood.

§ 150-140.3. Application Review Procedures.

Upon receipt of an application for a Special Permit by Worcester Township, the following procedures shall apply in addition to those of Article VIII:

A. Within five (5) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Montgomery County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Worcester Township Planning commission and Worcester Township Engineer for review and comment.

B. If an application is received that is incomplete, Worcester Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If Worcester Township decides to deny an application, it shall notify the applicant, in writing, of the reasons for the denial.

D. If Worcester Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Department of Community and Economic Development, by registered or certified mail, within ten (10) working days after the date of approval.

E. Before issuing the Special Permit, Worcester Township shall allow the Department of Community and Economic Development thirty (30) calendar days, after receipt of the notification by the Department, to review the application and decision made by Worcester Township.

F. If Worcester Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) calendar day review period, from the date of receipt of the notification by the Department, 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 Worcester Township and the applicant, in writing, of the reasons for the disapproval, and Worcester Township shall not issue the Special Permit.

§ 150-140.4. Special Technical Requirements for Activities Requiring a Special Permit.

A. In addition to the requirements of Part Six of this Article, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Part Five of this Article or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

   a. The structure will survive inundation by waters of the Base Flood Elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the Base Flood Elevation.

   b. The lowest floor (including basement) will be elevated to at least one and one half (1-½) feet above the Base Flood Elevation.

   c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the Base Flood Elevation.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers, licensed in the Commonwealth of Pennsylvania, 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 Worcester Township and the Department of Community and Economic Development.

Part Eight. Administration.

§ 150-141.1. Designation of the Floodplain Administrator.

The Township Manager is hereby appointed to administer and enforce the Floodplain Management Ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

A. Fulfill the duties and responsibilities set forth in these regulations;

B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or;

C. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve Worcester Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

§ 150-141.2. Permits Required.

A. A Building Permit shall be required before any construction or development is undertaken within any Floodplain Conservation District area within Worcester Township.

B. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the referenced permit is the Special Permit of Article VII.

§ 150-141.3. Duties and Responsibilities of the Floodplain Administrator.

A. 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 and all other applicable codes and ordinances.

B. 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); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean

Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. In the case of existing structures, prior to the issuance of any 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.

D. 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. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.

F. 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 Permit and report such fact to the Worcester Township Board of Supervisors for whatever action it considers necessary.

G. The Floodplain Administrator shall maintain in perpetuity, all records associated with the requirements of this Article including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 150-141.4. Application Procedures and Requirements.

A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Worcester Township. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits or variances required.
6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances;

2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

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.

7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

C. 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:

1. A completed Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

   a. North arrow, scale, and date;

   b. Topographic contour lines, if available;

   c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

   d. The location of all existing streets, drives, and other access ways; and

   e. The location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:

   a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

   b. The elevation of the Base Flood;

   c. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

4. The following data and documentation:

a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a Base Flood Elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.

b. Documentation, certified by a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, to show that the cumulative effect of any proposed development within the Floodplain Conservation District, as defined by § 150-136.2.B, § 150-136.2.E or § 150-136.2.F, when combined with all other existing and anticipated development, will not increase the Base Flood Elevation more than one (1) foot at any point.

c. A document, certified by a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the Base Flood Elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

d. Detailed information needed to determine compliance with § 150-139.4.F., Storage, and § 150-139.3.A, Development Which May Endanger Human Life, including:

   i. The amount, location and purpose of any materials or substances referred to in § 150-139.3.A and § 150-139.4.F which are intended to be used, produced, stored or otherwise maintained on site.

   ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 150-139.3.A during a Base Flood.

e. The appropriate component of the Pennsylvania Department of Environmental Protection's Sewage Facilities Planning Module for land development.

f. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

5. Applications for Permits shall be accompanied by a fee in accordance with the Worcester Township fee schedule established and adopted by Worcester Township.

§ 150-141.5. Review by Montgomery County Conservation District.

A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted to the Montgomery County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§ 150-141.6. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in the Floodplain Conservation District to be considered for approval may be submitted to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

§ 150-141.7. Changes.

After the issuance of a 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. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§ 150-141.8. Placards.

In addition to the 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 show the number of the Permit, the date of its issuance and be signed by the Floodplain Administrator.

§ 150-141.9. Start of Construction.

Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term 'start of construction" shall be understood as defined in § 150-9 of this Chapter. The issuance of a permit does not refer to zoning approval.

Time extensions shall be granted only if a written request is submitted, by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with this Article and the FIRM/FIS in effect at the time the extension is granted.

§ 150-141.10. Enforcement.

A. 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 provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. 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;

5. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Article.

B. Penalties - Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality, shall be guilty of a misdemeanor and upon conviction shall pay a fine to Worcester Township of not less than One-Hundred Dollars ($100.00) nor more than One-Thousand Dollars ($1,000.00) or imprisonment of not more than thirty (30) days, or both, plus costs of prosecution. Each day during which any violation of this Article 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 Article shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Board of Supervisors of Worcester Township to be a public nuisance and abatable as such.

§ 150-141.11. Appeals.

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.

B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Pennsylvania Municipalities Planning Code and any other local ordinance.

C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

Part Nine. Enactment.

§ 150-142.1. Adoption.

This Ordinance shall be effective upon its enactment, and shall remain in force until modified, amended or rescinded by Worcester Township, Montgomery County, Pennsylvania.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 29th day of February, 2016.

FOR WORCESTER TOWNSHIP

By: _____
Susan G. Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary