

FRANKLIN TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 of 2009

AN ORDINANCE AMENDING THE FRANKLIN TOWNSHIP ZONING ORDINANCE (ORDINANCE NO. 2006-1, SECTION 204) "FLOODPLAIN CONSERVATION OVERLAY (FCO)" REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT WITHIN THE FCO; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF 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

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Franklin, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Franklin Township Zoning Ordinance, Ordinance No. 2006-1, Section 204 "Floodplain Conservation Overlay, (FCO)" is hereby amended by substitution as follows:

"Section 204 Floodplain Conservation Overlay (FCO)"

**SECTION 1. - GENERAL PROVISIONS**

A. Intent

The intent of this Ordinance is to:

1. Promote the general health, welfare, and safety of the community.

2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
5. Comply with federal and state floodplain management requirements.

#### B. Applicability

1. It shall be unlawful for any Person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the FCO unless a Building Permit has been obtained from the Township's Building Permit Officer.
2. A Building Permit shall not be required for Minor Repairs to existing Buildings or Structures.

#### C. Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified Floodplain Areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply. If there is any conflict between this Ordinance and other current or subsequent Ordinances, the more restrictive shall apply.

#### D. Severability

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

#### E. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

### **SECTION 2. - DEFINITIONS**

#### A. General

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

## B. Specific Definitions

1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Basement - means any area of the building having its floor below ground level on all sides.
3. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
4. Completely Dry Space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
5. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
6. Essentially Dry Space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
7. Flood - a temporary inundation of normally dry land areas. I
8. Floodplain Area or Floodplain Conservation Overlay (FCO) - 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.

9. Floodproofing - means 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.

10. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

11. Historic Structure - any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the interior or

(ii) Directly by the Secretary of the interior in states without approved programs.

12. Identified Floodplain Area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

13. Land Development - Any of the following activities:

(a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(b) A subdivision of land.

14. 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 ordinance. "only use if partially enclosed space below the lowest floor is permitted"

15. 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.

16. Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

17. Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

18. New Construction - structures for which the start of construction commenced on or after January 19, 1983 and includes any subsequent improvements thereto.

19. One-Hundred-Year Flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

20. 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.

21. Recreational Vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

22. Regulatory Flood Elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

23. 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.

24. 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, or a designated portion of a floodplain.

25. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

26. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, 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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

27. Substantial Additions to Manufactured Home Parks - Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.



28. 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.

29. 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 either:

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

30. Uniform Construction Code (UCC) — The statewide building code adopted by The Pennsylvania General Assembly in 1999 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 Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

### **SECTION 3. - ADMINISTRATION**

#### **A. Building Permits Required**

Building Permits shall be required before any construction or development is undertaken within the FCO.

#### **B. Issuance of Building Permit Within the FCO**

1. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any zoning permit, the Building Permit Officer 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.

3. In the case of existing structures, prior to the issuance of any Development/Building permit, the Development/Building Permit Officer shall review the history of repairs to the subject building, so that any Repetitive Loss issues can be addressed before the permit is issued. (Use only if limiting expansion of existing structures when there is repetitive loss)

4. 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 Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by the Township prior to any alteration or relocation of any watercourse.

### C. Application Procedures and Requirements

1. Application for such a Building permit within the FCO shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following:

- a. Name and address of applicant.
- b. Name and address of owner of land on which proposed construction is to occur.
- c. Name and address of contractor.
- d. Site location including address.
- e. Listing of other permits required.
- f. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
- g. A plan of the site showing the exact size and location of the proposed construction, as well as, any existing Buildings or Structures.

2. Applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

- a. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- b. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

- a. A completed Building Permit Application Form.
- b. 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:
  - i. north arrow, scale, and date;
  - ii. topographic contour lines, if available;
  - iii. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - iv. the location of all existing and proposed Building Structures, and other improvements, including the location of any existing or proposed subdivision and land development;
  - v. the location of all existing streets, drives, and other access ways; and
  - vi. the location of any existing bodies of water or watercourses, identified  
Floodplain  
Areas, if available, information pertaining to the Floodway, and the flow of water including direction and velocities.

- c. Plans of all proposed Buildings, Structures and other improvements, drawn at suitable scale showing the following:
  - i. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
  - ii. the elevation of One Hundred (100) Year Flood;
  - iii. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a One Hundred (100) Year Flood;
  - iv. detailed information concerning any proposed Floodproofing measures, and
  - v. supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.
- d. The following data and documentation:
  - i. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the One Hundred (100) Year Flood more than one (1) foot at any point. (Only necessary if there is a Special Floodplain area.)
  - ii. a document, certified by a Pennsylvania licensed professional engineer or architect, which states that the proposed construction or development has

been adequately designed, to withstand the pressures, velocities, impact and uplift forces associated with the One Hundred (100) Year Flood.

Such statement shall include a description of the type and extent of Floodproofing measures which have been incorporated into the design of the Structure and/or the development.

- iii. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- iv. 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.

#### D. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified Floodplain Area to be considered for approval shall be submitted by the Building Permit Officer to the Township Engineer and the Township Planning Commission, as well as any other appropriate agencies and/or individuals, for review and comment.

#### E. Changes

After the issuance of a Building Permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

#### F. Placards

In addition to the Building Permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building Permit the date of its issuance and be signed by the Building Permit Officer.

#### G. Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the Building Permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

#### H. Inspection and Revocation

1. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

2. In the discharge of his duties the Building Permit Officer shall have the authority to enter any Building, Structure, premises or development in the identified Floodplain Area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the Building Permit and report such fact to the Board of Commissioners for whatever action it considers necessary.

4. A record of all such inspections and violations of this Ordinance shall be maintained.

5. The requirements of the 34 PA Code Chapter 401-405 and the 2006 IBC and the 2006 IRC or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.



## I. Fees

Applications for a Building Permit within the FCO shall be accompanied by a fee, payable to the Township based upon the estimated cost of the proposed construction as determined by the Building Permit Officer and at rates set by Resolution as may be set by the Board of Supervisors from time-to-time.

## **SECTION 4. - IDENTIFICATION OF FLOODPLAIN AREAS**

### A. Identification

The identified Floodplain Conservation Overlay or Floodplain Area shall be any areas of Franklin Township, subject to the one hundred (100) year flood, which is identified as Zone A or AE in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.

### B. Description of Floodplain Areas

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

1. FW (Floodway Area) - the areas identified as 'Floodway' in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include Floodway Areas which have been identified in other available studies or sources of information for those Floodplain Areas where no Floodway has been identified in the Flood Insurance Study.
2. FF (Flood-Fringe Area) - the remaining portions of the One Hundred (100) Year Flood; in those areas identified as an AE Zone in the Flood Insurance study, where a Floodway has been delineated.

The basis for the outermost boundary of this area shall be the One Hundred (100) Year Flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FE (Special Floodplain Area) - areas identified as Zone AE in the Flood Insurance Study, where One Hundred (100) Year Flood elevations have been provided, but no Floodway has been delineated.

4. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no One Hundred (100) Year Flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the (100) Year elevation, as well as Floodway Area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified Floodplain Area which is nearest the construction site in question.

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

#### C. Changes in Identification of Area

The identified Floodplain Area may be revised or modified by the Township Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

#### D. Disputes

Should a dispute concerning any identified Floodplain Boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

### **SECTION 5. - USES**

#### A. Permitted Uses

The following uses are permitted if permitted in the underlying zone and only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection and Pennsylvania Department of Community and Economic Development; the specific requirements of the Floodplain Conservation Overlay Zone; and all other applicable provisions of this Zoning Ordinance.

1. Agricultural Uses and Farm Buildings, including the growing of crops and the pasturing of animals. Structures and pens associated with intensive animal husbandry/agribusiness operations, including, but not limited to, commercial poultry and/or livestock barns, are expressly prohibited in the FCO. In interpreting this requirement, intensive animal husbandry agribusinesses shall include, but not be limited to, those operations where the raising, feeding, and care of substantial number of poultry and/or livestock is conducted entirely within an enclosed structure. Any existing farms that are required to apply for a Pennsylvania Nutrient Management Permit will be required to apply for a new Land Development Application.

2. Horticulture and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase or decrease of steep slopes or flood heights or frequency.

3. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.

4. Parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase or decrease in steep slopes or in flood heights or frequency.

5. Open space and front, side, or rear yards required by other sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this section and together with the requirements of any other pertinent municipal regulations, is complied with, such compliance cannot be shown, the land areas within the FCO shall not be used or calculated for purposes of meeting lot, open space, area, or yard requirements.

6. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the York County Conservation District.

7. One or two strand fences.

8. Picnic table, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent movement.

9. Farm ponds, which are constructed in accordance with a Conservation Plan reviewed by the York County Conservation District and which do not create any increased or decreased steep slopes or flood heights or frequency.

10. Flood proofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.

#### B. Special Exception Uses

1. The following uses are permitted in the FCO, only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article 6, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Community and Economic Development, the specific requirements of the Floodplain Conservation Overlay Zone; and all other provisions of this Zoning Ordinance:

- a. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of this Article, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
- b. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:

- (i) Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the FCO to allow positive control during flood emergencies.
- (ii) Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilo-volts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission lines of 15 kilo-volts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
- (a) Above ground lines and supporting structures shall enter the FCO only to cross a watercourse, shall cross the watercourse and the FCO using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make the minimum

number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.

(b) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet (10') above the maximum flood elevation.

(c) Supporting structures for above ground lines within the FCO shall be the minimum number necessary to carry the lines across the FCO. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.

(d) Facilities and services in the FCO shall be designed so that flood damage within the Zone does not disrupt service outside the Zone.

c. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.

d. Culverts, bridges, and approaches to private culverts and bridges, which meet all the following conditions:

(i) Review and/or approval by the York County Planning Commission and the York County Conservation District, if required;

(ii) Approval by the Chesapeake Bay Basin Commission, if required;

(iii) Approval by the Pennsylvania Department of Environmental Protection, if required;

(iv) Approval by the United States Army Corps of Engineers, if required;

(v) Approval by the Pennsylvania Department of Transportation (PennDOT), if required;

- (vi) If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT;
- (vii) The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.

2. Standards and Criteria for Special Exceptions – In addition to the provisions of Article 6, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- a. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
- b. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to other is minimized.
- c. That the possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- d. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for an effect of flood proofing are minimized.
- e. That the proposed use is compatible with existing and anticipated development.
- f. That the proposed use is consistent with the Northern York County Regional Comprehensive Plan and any floodplain management, program for the area.



- g. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
- h. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonally, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
- i. That the proposed activity will not unduly alter natural water flow or water temperature.
- j. That archaeological or historic sites or structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
- k. That the natural scenic and aesthetic values at the proposed site will be conserved.
- l. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, are minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
- m. That the granting of the special exception will not result in any of the following,
  - (i) Increases in flood heights;
  - (ii) Additional threats to public safety;
  - (iii) Extraordinary public expense;
  - (iv) Creation of nuisances.

3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it

may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:

- a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
  - b. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - c. A plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
  - d. A profile showing the slope of the bottom of the channel of flow line of the watercourse.
  - e. Specifications for building construction and materials, flood proofing, filling dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities;
4. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

### C. Prohibited Uses

The following uses are prohibited in the FCO:

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
2. All structures, with the exception of those specifically allowed in this Section 204.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading necessary to accomplish and carry out those uses permitted in this Section 204; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in this Section 204, and excluding such grading necessary to accomplish and carry out those uses which are permitted in this Section 204 provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
6. Damming or relocation of any watercourse, except as provided for in this Section 204.
7. Any parts of new on-site sewage disposal systems.
8. Swimming pools.
9. Fences, except one or two-strand fences.

10. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.

11. Cemeteries for humans or animals.

12. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: 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, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous substances pursuant to 35 P.S. §6020.103, as amended.

13. Mobile home parks.

14. Hospitals, nursing homes and jails.

15. Feedlots.

16. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.

17. The floodproofing of new residential structures, as an exception from the elevation requirement.

18. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:

- a. Endanger human life.
- b. Obstruct, impede, retard, change or increase the velocity, direction, or flow of floodwaters.
- c. Increase the surface elevations of floods, or the frequency of floods.
- d. Catch or collect debris carried by floodwaters.
- e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the FCO.
- f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- g. Increase the rate of local runoff, erosion, or sedimentation.
- h. Degrade the quality of surface water or the quality or quantity of ground water.
- i. Be susceptible to flotation and subsequent movement which would cause damage to other property.
- j. Not be in harmony with the intent and purpose of this Section

## **SECTION 6. - TECHNICAL PROVISIONS**

### **A. General**

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

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

2. Any new construction development, uses or activities allowed within any identified Floodplain Area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

B. Special Requirements for FW, FE and FA Areas

1. With any FW (Floodway Area), any new construction, development, use, activity, or encroachment shall be prohibited.

b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

2. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the One Hundred (100) more than one (1) foot at any point.

3. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

a. No new construction or development shall be located within any area measured fifty (50) feet landward from the top-of-bank of any watercourse.

b. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any Floodway area.

### C. Elevation and Floodproofing Requirements

#### 1. Residential and Non-residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation. The design and construction standards and specifications contained in the 2006 IBC and in the 2006 IRC and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405), as amended shall be utilized.

#### 2. Non-residential Structures

a. Any non-residential structure, or part thereof, having a lowest Floor which is not elevated to at least one and one half (1 ½) feet above the One Hundred (100) Year Flood elevation, elevation, shall be Floodproofed in a Completely or Essentially Dry manner 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 Mar. 1992) or with some other equivalent standard. All plans and specifications for such Floodproofing shall be accompanied by a statement certified by a Pennsylvania licensed register professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

b. The design and construction standards and specifications contained in the 2006 IBC and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 40 1-405), as amended, shall be utilized.

#### 3. Space below the Lowest Floor

- a. Fully enclosed space below the Lowest Floor (including basement) is prohibited.
- b. Partially enclosed space below the Lowest Floor or (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls.. The term “partially enclosed space” also includes crawl spaces.

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

- i. 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.
  - ii. the bottom of all openings shall be no higher than one (1) foot above grade.
  - iii. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405) and the 2006 IRC and the 2006 IBC, as amended.

#### 4. Accessory Structures

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 at least one and one-half(1 1/2) feet above the 100 Year Flood elevation.
- f. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- g. sanitary 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 Pennsylvania licensed professional engineer or architect, or meet or exceed the following minimum criteria:
  - i. 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.
  - ii. the bottom of all openings shall be no higher than one (1) foot above grade.

- iii. 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.

#### D. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified Floodplain Area:

##### 1. Fill

If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
- e. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2006 IBC shall be utilized.

##### 2. 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. The provisions contained in the 2006 IBC (Appendix G401.5) shall be utilized.

3. Water and Sanitary Sewer Facilities and Systems

- a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- c. No part of any on-site sewage system shall be located within any identified Floodplain Area except in strict compliance with all State and local regulations for such systems. if any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- d. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC the 2006 IRC, the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

4. Other Utilities

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

5. Streets

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

6. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not prohibited shall be stored at or above the Regulatory Flood Elevation and/or Floodproofed to the maximum extent possible.

7. Placement of Buildings and Structures

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

8. Anchoring

- a. All Buildings and Structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- c. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC, the 2006 IRC and ASCE 24-98 (Sec. 5.6) shall be utilized.

9. Floors, Walls and Ceilings

- a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- b. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
- c. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
- d. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other “water-resistant” material.
- e. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC, the 2006 IRC and ASCE 24-9 8 (Chapter 6).

10. Paints and Adhesives

- a. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of “marine” or “water-resistant” quality.
- b. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
- c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.
- d. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2006 IBC and the 2006 IRC.

11. Electrical Components

- a. Electrical distribution panels shall be at least three (3) feet above the One Hundred (100) Year Flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- c. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended, and contained in the 2006 IBC, the IRC, the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

12. Equipment

- a. 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.
- b. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2006 IBC, the 2006 IRC, the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

13. 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.

#### E. Uniform Construction Code Coordination

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 subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

##### International Building Code (IBC) 2003 or the latest edition thereof:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix O.

##### International Residential Building Code (IRC) 2003 or the latest edition thereof:

Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

### **SECTION 7. - EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

#### A. Existing Structures

The provisions of this Ordinance 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 this Section 7 shall apply.

#### B. Improvements

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

1. No expansion or enlargement of an existing structure shall be allowed within any area that would cause any increase in the elevation of the One Hundred (100) Year Flood.
2. No expansion or enlargement of an existing Structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

3. 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 Ordinance.

The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2006 IBC and the 2006 IRC).

4. Any modification, alteration, reconstruction, or improvement of any kind to an existing Structure, to an extent or amount of less than fifty (50) percent of its market value or less than fifty (50) percent of its square footage, shall be elevated and/or Floodproofed to the greatest extent possible.

5. 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 ordinance.

6. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs.R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sees. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

## **SECTION 8. - VARIANCES**

### **A. General**

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.



## B. Variance Procedures and Conditions

Requests for variances shall be considered by the Township, in accordance with the following procedures:

1. No variance shall be granted for any construction, development, use, or activity within any Floodway Area that would cause any increase in the One Hundred (100) Year Flood elevation.
2. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the One Hundred (100) Year Flood elevation more than one (1) foot at any point.
3. No variance will be granted which would allow prohibited activities to be located within the Floodplain Area.
4. If granted, a variance shall involve only the least modification necessary to provide relief.
5. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
6. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - a. The granting of the variance may result in increased premium rates for flood insurance.
  - b. Such variances may increase the risks to life and property.

7. In reviewing any request for a variance, the (Township, shall consider, at a minimum, the following:

- a. That there is good and sufficient cause.
- b. That failure to grant the variance would result in exceptional hardship to the applicant.
- c. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

8. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however all structures shall be designed and constructed so as to have the capability of resisting the One Hundred (100) Year Flood.

**SECTION 9.** If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

**SECTION 10.** Any other Ordinance or Resolution or parts thereof inconsistent with this Ordinance be and area hereby expressly repealed.

**SECTION 11.** This Ordinance shall be effective on September 25, 2009.

**ENACTED AND ORDAINED** this 10<sup>th</sup> day of August, 2009.

**ATTEST:**

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS**

Nancy Zentmeyer  
Nancy Zentmeyer, Secretary

By: Donald Lerew  
Donald Lerew, Chairman

By: John L. Shambaugh  
John Shambaugh, Vice-Chairman

By: Gary Brown  
Gary Brown, Supervisor

By: absent  
Naomi Decker, Supervisor

By: Edward Campbell  
Edward Campbell, Supervisor

**CERTIFICATE**

I, the undersigned, Secretary of the Township of Franklin, York County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which was duly enacted by affirmative vote of a majority of the members of the Board at a meeting held on , 20\_\_\_; said Ordinance has been duly recorded in the Ordinance Book of the Township; said Ordinance has been duly published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

**IN WITNESS WHEREOF**, I set my hand and affix the official seal of the Township, this 10<sup>th</sup> day of August, 2009.

Nancy Zentmeier  
Secretary

(SEAL)