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**Part 1**

**General Provisions**

**§8-101. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the Borough of Rutledge and shown as being located within the boundaries of the designated floodplain districts which are considered as a part of the Official Zoning Map.

*(Ord. 337, 3/4/1980, §1103.1A)*

**§8-102. Compliance.**

No structure of land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.

*(Ord. 337, 3/4/1980, §1103.1B)*



**Part 2**

**Establishment of Floodplain Districts**

**§8-201. Description of Districts.**

**1. Basis of Districts.**

- A. The various floodplain districts shall include areas subject to inundation by waters of the 100 year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for the Borough of Rutledge prepared by the Federal insurance Administration dated September 1979.
- B. The Floodway District (FW) is delineated for purposes of this Chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than 1 foot at any points. The areas included in this district are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and show on the accompanying Flood Boundary and Floodway Map.
- C. The Flood-Fringe District (FF) shall be that area of the 100 year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the 100 year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Boundary and Floodway Map.

**2. Overlay Concept.**

- A. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance [Chapter 27] and as such the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- B. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- C. In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provision shall remain applicable.

*(Ord. 337, 3/4/1980, §1103.2A)*

**§8-202. Zoning Map.**

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The boundaries of the floodplain districts are delineated on the map entitled "Flood Boundary and Floodway Map" which is part of the Flood Insurance Study prepared by the Federal Insurance Administration, dated Sept., 1979. The Flood Boundary and Floodway Map is hereby declared to be a part of both this Chapter and the Official Zoning Map of the Borough of Rutledge [Chapter 27].

*(Ord. 337, 3/4/1980, §1103.2B)*

### **§8-203. District Boundaries.**

The delineation of any of the floodplain districts may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies, conducted or undertaken by the U.S. Army Corps of Engineers, the Delaware River Basin Commission or other qualified agency or individual, documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

*(Ord. 337, 3/4/1980, §1103.2C)*

### **§8-204. Interpretation of District Boundaries.**

Initial interpretations of the Boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

*(Ord. 337, 3/4/1980, §1103.2D)*

**Part 3**

**District Provisions**

**§8-301. District Provisions.**

1. All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances.
2. In addition, all such uses, activities and development shall be undertaken only in compliance with Federal or State law including §34 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

*(Ord. 337, 3/4/1980, §1103.3)*

**§8-302. Permitted Uses.**

In the floodplain districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying district subject to the following:

- A. In the Floodway District no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.
- B. No mobile home, as defined hereafter, shall be permitted in the floodplain districts.
- C. Development and/or use of land shall be permitted in the floodplain districts only in strict compliance with the elevation and related provisions of this Chapter and all other applicable codes and ordinances.
- D. The following activities shall be prohibited if located entirely or partially within the floodplain district. The commencement of any of the following:
  - (1) Activities or the construction, enlargement or expansion of any structure used or intended to be used for any of the following activities:
    - (a) Hospital.
    - (b) Nursing home.

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- (c) Jail or prison.
- (2) Any new or substantially improved structure which:
  - (a) Will be used for the production or storage of any of the following dangerous materials or substances;
  - (b) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons or other comparable volume of any of the following dangerous materials or substances on the premises;
  - (c) 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. The following list of materials and substances are considered dangerous to human life:

- (a) Acetone.
- (b) Ammonia.
- (c) Benzene.
- (d) Calcium carbide.
- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil, etc.).
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.



- (p) Sulphur and sulphur products.
- (q) Pesticides (including insecticides, fungicides and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

[*Ord. 366*]

(*Ord. 337, 3/4/1980, §1103.3; as amended by Ord. 366, 6/1/1987*)



**Part 4**

**Elevation, Floodproofing and Construction Standards  
Applicable Within Floodplain Districts**

**§8-401. Residential Structures.**

Within any floodplain district, the lowest floor, including basement, of all residential structures shall be constructed at or above the 100 year flood elevation.

*(Ord. 337, 3/4/1980, §1103.4A)*

**§8-402. Nonresidential Structures.**

1. Within any floodplain district the lowest floor, including basement, of all nonresidential structures shall be constructed at or above the 100 year flood elevation, or such structures shall be designed and constructed so that the space enclosed shall remain either completely or essentially dry during any flood up to that height.
2. Any nonresidential structure or part thereof which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulation," U.S. Army Corps of Engineers, June 1972, or some other equivalent standard for that type of construction.

*(Ord. 337, 3/4/1980, §1103.4B)*

**§8-403. Drainage Facilities.**

Adequate storm drainage shall be provided for development within any floodplain district. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

*(Ord. 337, 3/4/1980, §1103.4C)*

**§8-404. Sanitary Sewer Facilities.**

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems

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into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

*(Ord. 337, 3/4/1980, §1103.4D)*

### **§8-405. Water Facilities.**

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

*(Ord. 337, 3/4/1980, §1103.4E)*

### **§8-406. Utilities.**

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas shall be located and constructed to minimize the chance of impairment during a flood.

*(Ord. 337, 3/4/1980, §1103.4F)*

### **§8-407. Anchoring.**

Within any floodplain district, all buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

*(Ord. 337, 3/4/1980, §1103.4G)*

### **§8-408. Materials.**

All materials and utility equipment used shall be resistant to flood damage.

*(Ord. 337, 3/4/1980, §1103.4H)*

**Part 5**

**Existing Structures**

**§8-501. Existing Structures.**

Structures existing in any designated floodplain districts prior to the enactment of this Chapter but which are not in compliance with these provisions, may continue to remain subject to the following:

- A. Existing structures located in a designated Floodway District shall not be expanded or enlarged unless the effect on the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structures, to an extent ro amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.

*(Ord. 337, 3/4/1980, §1103.5)*



## Part 6

### Administration

#### **§8-601. Permit Required.**

A zoning permit shall be required for all construction and development in any floodplain district, including the alteration, repair, remodeling or improvement of existing structures. In addition to the application requirements of *Ord. 417, 6/1/1988*, known as the Building Code [Chapter 5, Part 1], the following additional information shall be included in an application for construction or development in any floodplain district: [*Ord. 428*]

- A. A site plan which details the existing and proposed contours and/or elevation of the ground.
- B. The 100 year flood elevation, and the elevation of the lowest floor of any proposed structures.
- C. If a proposed nonresidential structure is to be floodproofed, certification from a registered engineer or architect that the methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood.
- D. If the proposed development is to be located within the Floodway District, a certification from a registered engineer that the development will not cause any increase in the 100 year flood levels within the community, or that any such increase will be fully offset by accompanying watercourse improvements.
- E. The additional information shall be supplied on the form supplied by the Borough.

(*Ord. 337, 3/4/1980, §1103.6A; as amended by Ord. 428, 7/2/2001*)

#### **§8-602. Other Permit Issuance Requirements.**

Prior to the issuance of any permit, the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Pennsylvania Water Obstructions Act of 1913 and the Federal Water Pollution Control Act of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.

(*Ord. 337, 3/4/1980, §1103.6B*)

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### **§8-603. Watercourse Alterations.**

1. Prior to any proposed alteration or relocation of a watercourse, the developer proposing such modification shall obtain a permit from the Pennsylvania Department of Environmental Protection. Furthermore, the developer shall notify the Pennsylvania Department of Community and Economic Development, and all affected communities by certified mail prior to such proposed alterations and shall submit copies of such notification to the Borough Zoning Officer and the Federal Insurance Administration. [*Ord. 428*]
2. In addition, the developer shall assure the Borough Council in writing that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

(*Ord. 337, 3/4/1980, §1103.6C; as amended by Ord. 428, 7/2/2001*)



**Part 7**

**Variances and Special Exceptions**

**§8-701. Variances and Special Exceptions.**

1. Requests for variances and/or special exceptions in the floodplain districts shall be considered by the Zoning Hearing Board in accordance with the following procedures:
  - A. No variances shall be granted for any construction, development, use or activity within any designated Floodway (FW) District that would cause any increase in the 100 year elevation.
  - B. If granted, a variance shall involve only the least modification necessary to provide relief.
  - C. In granting any variance, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Chapter.
  - D. Whenever a variance is granted the Zoning Hearing Board shall notify the applicant in writing that:
    - (1) The granting of the variance may result in increased premium rates for flood insurance.
    - (2) Such variances may increase the risks to life and property.
  - E. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
    - (1) That there is good and sufficient cause.
    - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
    - (3) That the granting of the variance will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimize the public, or conflict with any other applicable local or State ordinances and regulations.
  - F. A complete record of all variance requests and related actions shall be maintained by the Borough of Rutledge. In addition, a report of all variances

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granted during the year shall be included in the annual report to the Federal Insurance Administration.

2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, and effects of buoyancy of the 100 year flood.

*(Ord. 337, 3/4/1980, §1103.7)*

## Part 8

### Definitions

#### §8-801. Definitions.

The following are special definitions which shall be used in making reasonable interpretations of the provisions contained in this Chapter:

**COMPLETELY DRY SPACE** - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONSTRUCTION** - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure including the placement of mobile homes.

**DESIGNATED FLOODPLAIN DISTRICTS** - those floodplain districts specifically designated in this Chapter as being inundated primarily by the 100 year flood. Included would be areas identified as Floodway District (FW), Flood-Fringe District (FF) and the Approximated Floodplain District.

**DEVELOPMENT** - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

**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 in the passage of water.

**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.

**MOBILE HOME** - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained on one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

**ONE HUNDRED YEAR FLOOD** - a flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

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*(Ord. 337, 3/4/1980, §1103.8)*

**Part 9**

**Disclaimer**

**§8-901. Disclaimer.**

The grant of approval for any construction to be located within any designated floodplain district shall not constitute a representation, guarantee or warrants of any kind by the Borough of Rutledge or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough of Rutledge, its officials or employees.

*(Ord. 337, 3/4/1980, §1103.9)*

