

Chapter 8

Floodplains

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Part 1**General Provisions****§8-101. Intent.**

The intent of this Chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

(Ord. 77-3, 7/15/1977, §1.1)

§8-102. Abrogation and Greater Restrictions.

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

(Ord. 77-3, 7/15/1977, §1.2)

§8-103. Applicability.

Provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this Chapter and the Borough's need to minimize the hazards and damage resulting from flooding.

(Ord. 77-3, 7/15/1977, §1.3)

§8-104. Definitions.

Base flood - the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this Chapter, the 100-year flood.

Base flood elevation - the 100-year flood elevation.

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

Flood - a general and temporary inundation of normally dry land areas.

Floodplain - (A) a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; (B) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this Chapter, the 100-year floodplain as defined by HUD/FIA.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood

damage to lands, water and sanitary facilities, structures, and contents of buildings.

Land development - (A) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (1) a group of two or more buildings, or (2) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (B) a subdivision of land.

Mobile home - a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.

New construction - structures for which the start of construction as herein defined commenced on or after the effective date of this Chapter. This term does not apply to any work on a structure existing before the effective date of this Chapter.

One hundred year flood - a flood that has one chance in 100 or a 1 percent chance of being equaled or exceeded in any year. For the purposes of this Chapter, the 100-year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency, in the Type 15 Flood Insurance Study, Borough of North York, York County, Pennsylvania.

Principally above ground - where at least 51 percent of the actual cash value of a structure, less land value, is above ground.

Start of construction - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearings, 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Structure - a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

Subdivision - the division or redivision of a lot, tract, or parcel of land by any means

into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided, however, that the division of land for agricultural purposes into parcels or more than 10 acres, not involving any new street or easement of access, shall be exempted.

Substantial improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (A) before the improvement or repair is started or (B) if the structure has been damaged, and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either, (A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (B) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. 77-3, 7/15/1977, Art. 2)

Part 2**Establishment of Floodplain Districts****§8-201. Criteria for Inclusion.**

The Floodplain District shall include all areas subject to inundation by the waters of the 100-year flood. The source of this delineation shall be the Type 15 Flood Insurance Study for the Borough of North York, York County, Pennsylvania, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

(Ord. 77-3, 7/15/1977, §3.1)

§8-202. Districts.

The Floodplain District shall be comprised of two sub-districts as follows:

A. *Floodway (F1)*. That portion of the Floodplain District required to carry and discharge the waters of the 100-year flood without increasing the water surface elevation at any point more than 1 foot above existing conditions, as demonstrated in the Type 15 Flood Insurance Study for the Borough of North York referenced above.

B. *Floodway Fringe (F2)*. Those portions of land within the Floodplain District subject to inundation by the 100-year flood, lying beyond the floodway in areas where detailed study data and profiles are made available by the Borough's Type 15 Flood Insurance Study.

(Ord. 77-3, 7/15/1977, §3.2)

§8-203. Changes in District Delineations.

The delineation of the Floodplain District may be revised, amended and modified by the Borough of North York in compliance with the National Flood Insurance Program when:

- A. There are changes through natural or other causes.
- B. Changes are indicated by future detailed hydrologic and hydraulic studies.
- C. When social and economic factors favor a realignment.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

(Ord. 77-3, 7/15/1977, §3.3)

§8-204. Boundary Dispute.

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Building Permit Officer. Any party aggrieved by this decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

(Ord. 77-3, 7/15/1977, §3.4)

Part 3**Utilization of Floodplain District****§8-301. Floodway (F-1).**1. *General Requirements.*

A. In the Floodway no development shall be permitted except where the effect of such development of flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or State authorities. When a developer proposes to offset the effects of development in the Floodway by construction of stream improvements, he shall submit an engineering study prepared by a registered professional engineer which fully evaluates the effects of such construction. The report shall use the base flood as herein defined as the basis of analysis. All adjacent communities and the Borough Engineer of North York Borough, York County, Pennsylvania, shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and shall submit copies of such notifications to the Federal Insurance Administrator. In addition, the developer shall assure the Borough, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

B. All uses, activities, and developments shall be undertaken in strict compliance with the floodproofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

2. *Mobile Homes.* In the Floodway the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, shall be prohibited. For any existing mobile home park or subdivision within the Floodway, the owner or operator of the mobile home park or subdivision shall file with the disaster preparedness authorities of York County and the Borough of North York an evacuation plan which indicates alternate vehicular access routes and escape routes.

(Ord. 77-3, 7/15/1977, §4.1)

§8-302. Floodway Fringe (F2).

In the Flood-Fringe any development and/or use of land shall be permitted provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations. For any mobile home park or subdivision within the Flood-Fringe or Floodplain, the owner or operator of the mobile home park or subdivision shall file with the disaster preparedness authorities of York County, and the Borough of North York, an evacuation plan which indicates alternate vehicular access routes. In addition, whenever a developer intends to alter or relocate a watercourse within the Flood-Fringe or Floodplain, the developer shall notify in writing by certified mail all adjacent communities and the Borough Engineer of North York Borough, York County, Pennsylvania, of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notifications to the Federal Insurance Administrator. The developer shall also assure the Borough

in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

(*Ord. 77-3, 7/15/1977, §4.2*)

§8-303. Nonconformities in the Floodplain District.

1. Existing nonconformities (structures and/or uses) located in the Floodway shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvement).

2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) located in the Floodway to an extent or amount of less than 50 percent or more of its market value, should be elevated and/or floodproofed to the greatest extent possible.

3. The modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) regardless of location, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.

4. Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(*Ord. 77-3, 7/15/1977, §4.3*)

§8-304. Building Permit Criteria.

1. Building permits are required in order to determine whether all new construction or substantial improvements are:

A. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement.

B. Constructed with materials and utility equipment resistant to flood damage.

C. Constructed by methods and practices that minimize flood damage.

2. The basic format of the building permit shall include 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.

E. Brief description of proposed work and estimated cost.

F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

3. Depending on the type of structure involved, the following information shall also be included in the building permit for work within the Floodplain District:

A. For structures to be elevated to the base flood elevation:

(1) A plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.

(2) A determination of elevations of the existing ground proposed finished ground, lowest floors certified by a registered professional engineer, surveyor, or architect.

(3) Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect.

(4) Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the base flood elevation at the building site.

B. For structures to be floodproofed to the base flood elevation (nonresidential structures only):

(1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

(2) A certificate prepared by the registered professional engineer or architect who prepared the plans in subparagraph (1) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that:

(a) Below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.

(b) The structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the base flood.

4. *Minimum Floodproofing Standards.* In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the Floodplain District:

A. *Basements and Lowest Floors.* All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to the base flood elevation. All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to the base flood elevation; or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

B. *Fill.* If fill is used to raise the finished surface of the lowest floor to the base flood elevation:

(1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally 15 feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally 15 feet beyond the building line, shall be provided

to a minimum of 25 percent of the perimeter of a non-residential structure.

(2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.

(3) Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.

(4) Fill slopes shall be no steeper than one vertical on two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Permit Officer.

(5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

C. Placement of Buildings, Structures, and Mobile Homes.

(1) All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water.

(2) The following shall not be placed or caused to be placed in the designated Floodway; fences, except two-wire fences, other matter which may impede, retard, or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the Floodplain.

(3) Mobile homes shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the base flood elevation.

(4) Adequate surface drainage and access for a mobile home hauler shall be provided.

(5) When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than 6 feet above the ground level.

D. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

(2) All air ducts, large pipes and storage tanks located at or below the first floor level shall be firmly anchored to resist flotation.

(3) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically:

(a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.

(b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.

(c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(d) Any additions to a mobile home shall be similarly anchored.

E. *Storage.* No new construction which stores materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below base flood elevation.

(Ord. 77-3, 7/15/1977, §5.1)

§8-305. Site Plan Criteria.

1. The owner or developer of any proposed subdivision, mobile home park, or subdivision, on other land development shall submit a site plan to the Building Permit Officer which includes the following information:

A. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.

B. A map showing the location of the proposed subdivision and/or land development with respect to the Borough's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

C. Where the subdivision and/or land development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of 2 or 5 feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas.

D. Copies of all Federal and State permits required for construction of the facilities shown on the subdivision plan; which may include, but are not limited to, water quality management permits, erosion and sedimentation control permits, dams and encroachments permits, and driveway permits.

E. A record of this information must be kept on file by the Borough Secretary.

2. For all new mobile home parks, or expansions to existing mobile home parks, and for existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities and pads equal or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, the following requirements shall be met for any construction within the Flood Fringe or Floodplain:

A. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the base flood elevation.

B. Adequate surface drainage and access for a mobile home hauler shall be provided.

C. When mobile homes are to be elevated on pilings, lots shall be large

enough to permit steps, piles shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than 6 feet above ground level.

3. Utility and facility requirements for all proposed subdivisions, mobile home parks or subdivisions, or other land developments, the Building Permit Officer shall require:

A. All new or replacement water systems located in the Floodplain District, whether public or private, shall be floodproofed to the base flood elevations.

B. All new or replacement sanitary disposal systems located within the Floodplain District, whether public or private, shall be floodproofed to the base flood elevation.

C. All other new or replacement public and/or private utilities and facilities shall be elevated or floodproofed to the base flood elevation.

(Ord. 77-3, 7/15/1977, §5.2)

§8-306. Prohibited Construction, Expansion of Certain Activities.

1. There is hereby prohibited within the Floodplain District of the Borough of North York the construction or substantial improvement of any 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 550 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.

2. The following are considered dangerous materials:

- A. Acetone
- B. Ammonia
- C. Benzene
- D. Calcium carbide
- E. Carbon disulfide
- F. Celluloid
- G. Chlorine
- H. Hydrochloric acid
- I. Hydrocyanic acid
- J. Magnesium
- K. Nitric acid and oxides of nitrogen
- L. Petroleum products (gasoline, fuel oil, etc.)
- M. Phosphorus
- N. Potassium
- O. Sodium
- P. Sulphur and sulphur products
- Q. Pesticides (including insecticides, fungicides and rodenticides)
- R. Radioactive substances, insofar as such substances are not otherwise

regulated.

3. Further, there is prohibited within the Floodplain District of the Borough of North York commencement, construction, enlargement, or expansion of any structure to be used or intended to be used for any of the following activities:

- A. Hospital.
- B. Nursing home.
- C. Jail or prison.

(*Ord. 77-3, 7/15/1977; as added by Ord. 86-2, 5/5/1986, Art. 10*)

§8-307. Drainage.

Adequate drainage shall be provided to reduce exposure to flood hazard.

(*Ord. 77-3, 7/15/1977, Art. 8*)

Part 4**Administration****§8-401. Building Permits and Site Plan Approvals Required.**

1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken the new construction, substantial improvement, or relocation of any structure (including mobile homes) within the Floodplain District, unless the necessary permits have been obtained from the Building Permit Officer. In addition, where land is to be subdivided, utilized for a mobile home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Building Permit Officer prior to any land development.

2. A permit shall not be required for minor repairs or improvements to existing buildings or structures, provided that the cost is less than 50 percent of the market value of the structure.

(Ord. 77-3, 7/15/1977, §6.1)

§8-402. Approval of Permits and Plans.

All permits and plans shall be approved 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.

(Ord. 77-3, 7/15/1977, §6.2)

§8-403. Application Procedures.

Application for a building permit and site plan approvals shall be made, in writing, to the Building Permit Officer, and shall include all information stipulated under Part 3 of this Chapter.

(Ord. 77-3, 7/15/1977, §6.3)

§8-404. Changes.

After the issuance of a building permit or site plan approval 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.

(Ord. 77-3, 7/15/1977, §6.4)

§8-405. 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.

(Ord. 77-3, 7/15/1977, §6.5)

§8-406. Start of Construction.

Work on the proposed construction shall begin within 6 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.

(Ord. 77-3, 7/15/1977, §6.6)

§8-407. Inspection and Revocation.

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. 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 Borough Council for whatever action it considers necessary.

(Ord. 77-3, 7/15/1977, §6.7)

§8-408. Fees.

Applications for a building permit shall be accompanied by a fee, payable to the Treasurer of North York Borough based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the rates set forth in the Borough building permit ordinance.

(Ord. 77-3, 7/15/1977, §6.8; as amended by Ord. 88-1, 2/1/1988)

§8-409. Municipal Liability.

The granting of a permit or approval of a subdivision or land development plan in an identified flood-prone area shall not constitute a representation, guarantee, or warranty of any kind by the Borough of North York or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials or employees.

(Ord. 77-3, 7/15/1977, §9.2)

Part 5**Appeals and Penalties****§8-501. Appeals.**

Whenever any person is aggrieved by a decision of the Building Permit Officer with respect to the provisions of this Chapter, it is the right of that person to appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Council shall set a time and place not less than 10 nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the Borough Council shall be final in all cases.

(Ord. 77-3, 7/15/1977, §7.1)

§8-502. Appeals Review Criteria.

1. All appeals contesting only the permit fee established by the Building Permit Officer may be handled at the discretion of the Borough Council.

2. All decision on appeals to all other provisions of this Chapter not covered in subsection .1 above, shall adhere to the following criteria:

A. An affirmative decision shall not be issued by the Council within the designated Floodway if any increase in flood levels during the base flood discharge would result.

B. A decision may be issued by the Council for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs .C, .D, .E, and .F of this Section.

C. Affirmative decisions shall only be issued by the Borough Council upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (3) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

D. Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.

E. The Council shall notify the applicant in writing over the signature of a community official that (1) the issuance of a decision to allow construction of a structure below the base flood level will result in increased premium rates for flood insurance; (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all decisions as required in paragraph .F of this Section.

F. The Council shall (1) maintain a record of all decisions including

justification for their issuance, and (2) report such decisions issued in its annual report submitted to the Federal Insurance Administrator.

(Ord. 77-3, 7/15/1977, §7.2)

§8-503. Penalties.

Any person who fails to comply with any or all of the requirements or provisions of this Chapter or direction of the Building Permit Officer or any other authorized employee of the Borough shall be guilty of an offense and, upon conviction, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day during which any violation of this Chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with this Chapter, shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter, may be declared by the Borough Council of North York to be a public nuisance and abatable as such.

(Ord. 77-3, 7/15/1977, §7.3; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006)