

Chapter 181

FLOODPLAIN MANAGEMENT

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[**HISTORY:** Adopted by the Board of Commissioners of the Township of South Whitehall 5-19-1977 by Ord. No. 255; amended in its entirety 4-15-2015 by Ord. No. 996. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement — See Ch. 144.

Subdivision and land development — See Ch. 312.

Stormwater management — See Ch. 296.

Zoning — See Ch. 350.

**ARTICLE I
Statutory Authorization****§ 181-1. Authority.**

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

**ARTICLE II
General Provisions****§ 181-2. 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 by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

§ 181-3. Permit required; exception.

- A. 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 Township of South Whitehall unless a permit has been obtained from the Floodplain Administrator.
- B. A permit shall not be required for minor repairs to existing buildings or structures.

§ 181-4. Abrogation and greater restrictions; repealer.

Ordinance No. 748 is hereby repealed as of the effective date of this chapter. This chapter supersedes any other conflicting ordinances, resolutions and/or other regulations of the Township, or any parts of ordinances, resolutions and/or other regulations of the Township, which may be in effect in identified floodplain areas and which regulate identified floodplain areas. However, any other ordinance, resolution and/or regulation 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 chapter, the more restrictive shall apply.

§ 181-5. (Reserved)

§ 181-6. Warning and disclaimer of liability.

- A. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter 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.
- B. This chapter shall not create liability on the part of the Township of South Whitehall or any officer, consultant, agent or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**ARTICLE III
Administration**

§ 181-7. Designation of Floodplain Administrator.

- A. The Township Manager is hereby appointed to administer and enforce this chapter and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may:

- A) fulfill the duties and responsibilities set forth in these regulations, B) delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or C) enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22. Any action, decision or determination of any qualified technical personnel, plan examiners, inspectors, and other employees to whom duties of the Floodplain Administrator are delegated hereunder shall be deemed to be an action, decision or determination of the Floodplain Administrator hereunder.
- B. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Director of the Township Department of Community Development, who may rely upon any qualified technical personnel, plan examiners, inspectors and/or other employees in carrying out the duties of the Floodplain Administrator hereunder.

§ 181-8. Permit required prior to construction.

A permit shall be required before any construction or development is undertaken within any area of the Township of South Whitehall.

§ 181-9. Duties and responsibilities of Floodplain Administrator.

- A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);¹ the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);² the Pennsylvania Clean Streams Act (Act 1937-394, as amended);³ 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.

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

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

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

- C. In the case of existing structures, prior to the issuance of any development permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Board of Commissioners for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this chapter, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the Floodplain Ordinance as the Floodplain Administrator/Manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 181-10. Application procedures and requirements.

- A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of South Whitehall. Such application shall contain the following:
 - (1) Name and address of applicant.
 - (2) Name and address of owner of land on which proposed construction is to occur.
 - (3) Name and address of contractor.
 - (4) Site location, including address.
 - (5) Listing of other permits required.

- (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.
 - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this chapter and all other applicable codes and ordinances;
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
 - (4) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (5) Building materials are flood-resistant;
 - (6) Appropriate practices that minimize flood damage have been used; and
 - (7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (1) A completed permit application form.
 - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (a) North arrow, scale, and date;
 - (b) Topographic contour lines, if available;
 - (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (d) The location of all existing streets, drives, and other accessways; and
 - (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.

- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
- (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (b) The elevation of the base flood;
 - (c) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC.
- (4) The following data and documentation:
- (a) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See § 181-19A) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
 - (c) A document, certified by a registered 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 base 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.
 - (d) Detailed information needed to determine compliance with § 181-25F, Storage, and § 181-26, Development which may endanger human life, including:
 - [1] The amount, location and purpose of any materials or substances referred to in §§ 181-25F and 181-26 which are intended to be used, produced, stored or otherwise maintained on site.
 - [2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 181-26 during a base flood.
 - (e) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (f) 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. Applications for permits shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

§ 181-11. Review by County Conservation District.

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

§ 181-12. Review of application by other agencies.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

§ 181-13. Changes to applications, permits or plans.

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

§ 181-14. Display of placards.

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

§ 181-15. Start of construction.

- A. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of a development permit does not refer to the zoning approval.
- B. The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial

improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

§ 181-16. Enforcement.

- A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
- (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
 - (4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
 - (5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.
- B. Penalties. The Township shall have the option to pursue penalties under either Subsection B(1) or (2) below. Regardless of the penalty/enforcement option selected by the Township, each day or any portion thereof in which a violation is found to exist shall be considered a separate offense under this chapter. Likewise, each section of this chapter which is found to be violated shall be considered a separate offense. In addition to or in lieu of an enforcement action before a Magisterial District Judge or imposition of civil penalties as provided in Subsection B(1) and (2) below, the Township may enforce this chapter by an equity action in the Lehigh County Court of Common Pleas. The right to initiate further action is hereby reserved, including any appropriate action or proceeding to prevent, restrain, correct or abate such violation or noncompliance. 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. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in a manner that is not in strict compliance with this chapter may be declared by the Board of Commissioners to be a public nuisance and abatable as such.

- (1) First Class Township Code penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee or professional consultant of the Township commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, together with costs of prosecution, for each separate offense. All fines and penalties collected for any violation of this chapter shall be paid to the Township and delivered to the Township Treasurer for deposit.
- (2) Municipalities Planning Code penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter, or who fails or refuses to comply with any notices or order of direction of the Floodplain Administrator or any other authorized municipal employee or professional consultant, shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment in the amount of \$500, or the maximum allowed under the Municipalities Planning Code (53 P.S. 10101 et seq., as amended), plus court costs and reasonably attorneys' fees incurred by the Township.

§ 181-17. Appeals.

- A. Any person aggrieved by any action, determination or decision of the Floodplain Administrator (or any other authorized employee or professional consultant of the Township) concerning the administration of the provisions of this chapter, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator (or any other authorized employee or professional consultant of the Township). Any such appeal shall be filed on the form provided by the Township and shall be accompanied by the fee established by the Board of Commissioners from time to time for appeals to the Zoning Hearing Board. The Zoning Hearing Board shall conduct all hearings on appeals under this section pursuant to the hearing procedures set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., as amended.
- B. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

**ARTICLE IV
Identification of Floodplain Areas****§ 181-18. Floodplain area established.**

- A. The identified floodplain area shall be:
 - (1) Any areas of Township of South Whitehall classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood

Insurance Rate Maps (FIRMs) dated July 16, 2004, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and

- (2) Any community-identified flood hazard areas.
- B. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by Township of South Whitehall and declared to be a part of this chapter.

§ 181-19. Description and special requirements of identified floodplain areas.

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

- A. The floodway area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
 - (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Township during the occurrence of the base flood discharge.
 - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- C. A Area/District.
 - (1) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

- (2) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- D. Community-identified flood hazard areas shall be those areas where Township of South Whitehall has identified local flood hazard or ponding areas, as delineated and adopted on a Local Flood Hazard Map using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study methodologies.

§ 181-20. Changes in identification of area.

The identified floodplain area may be revised or modified by the Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, the Township shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 181-23B for situations where FEMA notification is required.

§ 181-21. Boundary disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator, and any party aggrieved by this decision or determination may appeal to the Township Zoning Hearing Board in accordance with the procedures set forth in § 181-17 of this chapter. The burden of proof shall be on the appellant to establish a floodplain boundary inconsistent with the Floodplain Administrator's determination.

§ 181-22. Jurisdictional boundary changes.

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

ARTICLE V Technical Provisions

§ 181-23. Alteration of watercourse; encroachments.

- A. Alteration or relocation of watercourse.

- (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have first been obtained from the Department of Environmental Protection regional office.
 - (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
 - (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- B. When the Township proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR 65.12) apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- (1) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, the Township shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
 - (2) Upon completion of the proposed encroachments, the Township shall require that the applicant provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.
- D. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

§ 181-24. Elevation and floodproofing requirements.**A. Residential structures.**

- (1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- (2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including

basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 181-19C of this chapter.

- (3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be utilized, where they are more restrictive.

B. Nonresidential structures.

- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
- (a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - (b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 181-19C of this chapter.
- (3) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.
- (4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be utilized, where they are more restrictive.

C. Space below lowest floor.

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
- (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- D. Historic structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined in this chapter, must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- E. 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:
- (1) 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.
 - (2) The floor area shall not exceed 200 square feet.
 - (3) The structure will have a low damage potential.
 - (4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - (5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - (7) Sanitary facilities are prohibited.
 - (8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral 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 registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 181-25. Design and construction standards.

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

A. Fill. If fill is used, it shall:

- (1) Extend laterally at least 15 feet beyond the building line from all points;
- (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Floodplain Administrator; and
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and sanitary sewer facilities and systems.

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site waste disposal 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.
- (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

- D. Other utilities. All other utilities, such as gas lines and electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 181-26, Development which may endanger human life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, walls and ceilings.
 - (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and adhesives.
 - (1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
 - (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.
- K. Electrical components.

- (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
 - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- N. Uniform construction code coordination. The standards and specifications contained 34 Pa. Code (Chapters 401 through 405), as amended, and not limited to the following provisions, shall apply to the above and other sections and subsections of this chapter, to the extent that they are more restrictive and supplement the requirements of this chapter.
- (1) International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

§ 181-26. Development which may endanger human life.

Within any identified floodplain area, any structure of the kind described in Subsection A, below, shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions at Subsections B through D apply:

- A. In accordance with the Pennsylvania Flood Plain Management Act,⁴ and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or 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 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:
- (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.

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

- (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.
 - (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.
 - (10) Magnesium.
 - (11) Nitric acid and oxides of nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.).
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulfur and sulfur products.
 - (17) Pesticides (including insecticides, fungicides, and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- C. Within any floodway area, any structure of the kind described in Subsection A above, shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in Subsection A, above, shall be elevated to remain completely dry up to at least 1 1/2 feet above base flood elevation and built in accordance with §§ 181-23, 181-24 and 181-25.
- D. Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in Subsection A, above, shall be built in accordance with §§ 181-23, 181-24 and 181-25, including:
- (1) Elevated, or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation; and
 - (2) Designed to prevent pollution from the structure or activity during the course of a base flood.
 - (3) Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing

Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

§ 181-27. Special requirements for subdivisions and development.

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

§ 181-28. Special requirements for manufactured homes.

- A. Within any identified floodplain area, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the remaining provisions of this § 181-28 apply.
- B. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - (1) Placed on a permanent foundation;
 - (2) Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation;
 - (3) Anchored to resist flotation, collapse, or lateral movement; and
 - (4) Have all ductwork and utilities, including HVAC/heat pump, elevated, at a minimum, to the regulatory flood elevation.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's "Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto, and 34 Pa. Code Chapters 401 through 405 shall apply.
- D. Consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC, or the most recent revisions thereto, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit's installation.

§ 181-29. Special requirements for recreational vehicles.

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

- (1) Be on the site for fewer than 180 consecutive days; and
- (2) Be fully licensed and ready for highway use.

ARTICLE VI

Activities Requiring Special Permits

§ 181-30. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act,⁵ the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Township of South Whitehall:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§ 181-31. Application requirements for special permits.

Applicants for special permits shall provide five copies of the following items:

- A. A written request, including a completed permit application form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date;
 - (2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;
 - (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

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

- (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water, including direction and velocities;
 - (7) The location of all proposed buildings, structures, utilities, and any other improvements; and
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 - (4) Detailed information concerning any proposed floodproofing measures;
 - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - (6) Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades; and
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
- (4) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- (8) Any other applicable permits, such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§ 181-32. Application review procedures.

Upon receipt of an application for a special permit by the Township of South Whitehall, the following procedures shall apply in addition to those of Article III:

- A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Lehigh County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of South Whitehall Planning Commission and Township of South Whitehall Engineer for review and comment.
- B. If an application is received that is incomplete, the Township of South Whitehall shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township of South Whitehall decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of South Whitehall intends to approve an application, it shall file written notification, together with the application and all pertinent information, with the

Department of Community and Economic Development, by registered or certified mail, within five working days after the determination is made that the Township intends to issue the special permit.

- E. Before issuing the special permit, the Township of South Whitehall shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township of South Whitehall.
- F. If the Township of South Whitehall does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of South Whitehall and the applicant, in writing, of the reasons for the disapproval, and the Township of South Whitehall shall not issue the special permit.

§ 181-33. Special technical requirements.

- A. In addition to the requirements of Article V of this chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Article V of this chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (a) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - (b) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above base flood elevation.
 - (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
 - (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical

review by the Township of South Whitehall and the Department of Community and Economic Development.

ARTICLE VII Existing Structures in Identified Floodplain Areas

§ 181-34. Existing structures.

The provisions of this chapter 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 § 181-35 shall apply.

§ 181-35. Improvements.

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

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
- C. The above activity shall also address the requirements of 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC.
- D. Within any floodway area/district (see § 181-19A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
- E. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- F. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.

ARTICLE VIII Variances

§ 181-36. General.

- A. If strict compliance with any of the requirements of this chapter would result in an exceptional hardship to a builder, developer or landowner, application may be made to the Zoning Hearing Board for variance relief from the strict application of the requirements.

- B. Applications for such relief shall be filed at the Township municipal building on the form provided by the Township and accompanied by the appropriate fee for the filing of appeals to the Zoning Hearing Board as may be set forth from time to time by the Township Board of Commissioners.

§ 181-37. Variance procedures and conditions.

- A. Requests for variances shall be considered by the South Whitehall Township Zoning Hearing Board in accordance with the procedures contained in § 181-17 and the following:
- (1) No variance shall be granted for any construction, development, use, or activity within any floodway area/district that would cause any increase in the BFE.
 - (2) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Article VI) or to development which may endanger human life (§ 181-26).
 - (3) If granted, a variance shall involve only the least modification necessary to provide relief.
 - (4) In granting any variance, the South Whitehall Township Zoning Hearing Board 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 chapter.
 - (5) Whenever a variance is granted, the South Whitehall Township Zoning Hearing Board 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.
 - (6) In reviewing any request for a variance, the South Whitehall Township Zoning Hearing Board shall consider, at a minimum and in addition to the variance standards set forth in the Municipalities Planning Code,⁶ 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 neither:
 - [1] Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor

6. Editor's Note: See 53 P.S. § 10101 et seq.

- [2] Create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (7) A complete record of all variance requests and related actions shall be maintained by the Township of South Whitehall. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- B. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent annual chance flood.

ARTICLE IX **Definitions**

§ 181-38. Interpretation.

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

§ 181-39. Specific definitions.

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

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

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

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on

which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Township.

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

FLOOD — A temporary inundation of normally dry land areas.

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

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

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the 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 which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the Township has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the Township. See §§ 181-18 and 181-19 for the specifics on what areas the Township has included in the identified floodplain area.

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 nonelevation design requirements of this chapter.

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

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

MARKET VALUE — The current value of a property, building or structure as determined by a licensed or certified real estate appraiser.

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 of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective start date of this floodplain management chapter, and includes any subsequent improvements to such structures. Any construction started after May 19, 1977, and before the effective start date of this floodplain management chapter is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

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

completed on or after the effective date of floodplain management regulations adopted by the Township.

PERMIT — An official written document granted by the Township authorizing the named applicant permission to perform the actions listed in the granting document.

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.

POST-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the Township's initial Flood Insurance Rate Map (FIRM) dated February 1, 1978, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the Township's initial Flood Insurance Rate Map (FIRM) dated February 1, 1978, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

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

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

SPECIAL PERMIT — A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of, a floodplain.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement

was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home; anything constructed or erected on the ground or attached to the ground.

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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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 state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VARIANCE — A grant of relief by the Township's Zoning Hearing Board from the terms of a floodplain management regulation.

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

ARTICLE X
Enactment

§ 181-40. When effective.

This chapter shall be effective on the first day of the month following the adoption of this chapter and shall remain in force until modified, amended or rescinded by Township of South Whitehall, Lehigh County, Pennsylvania.

§ 181-41. Continuation and saving clause.

The provisions of this chapter, insofar as they are the same as those ordinances, resolutions and/or other regulations in force immediately prior to the enactment of this chapter, are intended as a continuation of such ordinances, resolutions and/or other regulations, and not as new enactments. Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance, resolution and/or regulation repealed by this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 1012
(Duly Adopted December 7, 2016)

AN ORDINANCE TO APPROVE, ADOPT AND ENACT A CODIFICATION OF A COMPLETE BODY OF ORDINANCES FOR SOUTH WHITEHALL TOWNSHIP, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE CONTINUED EFFECTIVENESS OF ORDINANCES REENACTED AND REAFFIRMED; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN AND OTHER MATTERS NOT Affected BY THE REPEAL; TO ADDRESS INCLUSION OF NEW LEGISLATION PRIOR TO ADOPTION OF THE CODE; TO MAKE NONSUBSTANTIVE GRAMMATICAL CHANGES, AND TO CONSOLIDATE AND AMEND CERTAIN EXISTING LEGISLATION; TO PROVIDE FOR INTERPRETATION OF PROVISIONS OF THE CODE; TO PROVIDE FOR TITLE HEADINGS AND EDITOR'S NOTES; TO REQUIRE FILING OF A COPY OF THE CODE, KEEPING THE CODE UP TO DATE AND PUBLICATION OF NOTICES; TO PROVIDE FOR A PROCEDURE FOR AMENDMENTS TO THE CODE; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF; TO PROVIDE FOR A SEVERABILITY CLAUSE AND TO PROVIDE FOR AN EFFECTIVE DATE

WHEREAS, South Whitehall Township ("Township") is a political subdivision, municipal corporation, and First Class Township of the Commonwealth of Pennsylvania, being a body both corporate and politic, situated in Lehigh County, duly established and lawfully existing under and pursuant to the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 55101 et seq., as amended; and

WHEREAS, the Board of Commissioners of South Whitehall Township, in order to provide for an efficient, orderly and practical means of accessing a complete collection of Township ordinances, has determined to adopt a codification of all Township ordinances currently in effect and to repeal and amend certain ordinances through the codification process; and,

WHEREAS, the Township is authorized and empowered to adopt, enact, and establish this codification of ordinances promulgated hereunder, by virtue of the First Class Township Code, 53 P.S. § 56502(I)(b).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania as follows:

SECTION 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1502, Clause I(b) (53 P.S. § 56502(I)(b)) of the First Class Township Code, the codification of a complete body of ordinances for the Township as revised, codified and consolidated into chapters, articles and sections, and consisting of Chapters 1 through 350, together with an Appendix and an errata, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township, which shall be known and is hereby designated as the "Code of the Township of South Whitehall," hereinafter referred to as the "Code," which Code has been prepared by General Code and is dated October 1, 2016.

SECTION 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Commissioners of the Township, and it is the intention of said Board of Commissioners that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of Section 1-3 below, and only new or changed provisions, as described in Section 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in Section 1-15 below.

SECTION 1-3. Inconsistent legislation repealed.

Except as provided in Section 1-4 below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in Section 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

SECTION 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in Section 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to Section 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to October 1, 2016.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding

- brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
 - D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
 - E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.
 - F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
 - G. Any ordinance adopting an annual budget or establishing an annual tax rate.
 - H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
 - I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
 - J. Any ordinance annexing land to the Township.
 - K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
 - L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
 - M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
 - N. Any ordinance providing for the making of public improvements.
 - O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.

- P. Any ordinance concerning changes and amendments to the Zoning Map, and/or any other official map or plan of the Township, including but not limited to the Comprehensive Plan.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Township.
- S. Any currently effective ordinance providing for intergovernmental cooperation and/or establishing an intermunicipal agreement.

SECTION 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in Section 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

SECTION 1-6. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Board of Commissioners that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth Subsection C, below, are hereby made to various ordinances included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Commissioners, and it is the intent of the Board of Commissioners that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in Section 1-15.
- C. The following provisions are hereby consolidated and/or amended as indicated:

(1) Consolidations.

Chapter	Ordinance Nos.
Ch. 336, Vehicles and Traffic	93; 112; 170; 243; 247; 315; 393; 396; 405; 409; 414; 415; 416; 418-A; 420; 421; 423; 426; 430; 431; 449; 452; 453; 454; 457; 462; 466; 467; 479; 480; 482; 484; 485; 489-A; 490; 491; 496; 511; 513; 523; 524; 525; 526; 527; 535; 540; 541; 544; 547; 548; 550; 552; 568; 570; 574; 579; 588; 592; 593; 596; 597; 607; 608; 609; 610; 611; 612; 613; 617; 618; 621; 625; 632; 640; 646; 654; 664; 667; 670; 677; 679; 684; 693; 695; 698; 701; 703; 711; 713; 730; 733; 741; 750; 752; 753; 766; 771; 774; 779; 782; 793; 799

(2) Amendments.

Chapter	Article/Section
Ch. 17, Boards, Commissions, Councils and Departments	Article V
Ch. 32, Emergency Management Agency	§ 32-8
Ch. 58, Pension Plans	§§ 58-4A; 58-9B(4); 58-24B(4); 58-40B(4); 58-53B(4)
Ch. 85, Air Pollution	§§ 85-3, 85-6
Ch. 108, Barrier Visibility	§ 108-5
Ch. 117, Brush, Grass and Weeds	§ 117-4
Ch. 126, Open Burning	§§ 126-4C; 126-5
Ch. 148, Conduct	§§ 148-1; 148-1A(5)(b), 148-3A
Ch. 155, Drug Paraphernalia	§ 155-5
Ch. 168, Fire Lanes	§ 168-5
Ch. 174, Fire Losses	§ 174-9
Ch. 189, Hazardous Wastes	§ 189-5B
Ch. 197, Junk automobiles and Equipment, Storage of	§ 197-9
Ch. 204, Junk Dealers and Scrap Yards	§§ 204-5; 204-16
Ch. 213, Littering	§§ 213-1, definition of "litter"; 213-5
Ch. 221, Loitering	§ 221-4
Ch. 228, Municipal Claims	§ 228-3
Ch. 240, Parks and Recreation	§§ 240-1A(1); 240-3; 240-4
Ch. 248, Peddling and Soliciting	§§ 248-2; 248-5A; 248-13
Ch. 274, Sewers and Sewage Disposal	§§ 274-1, definition of "sewer"

Chapter	Article/Section
Ch. 288, Solid Waste	system"; 274-2A, B, C, D, F and G; 274-3A, C(1), (3) and (4), D, F and G; 274-4B, D, E and F; 274-5; 274-6; 274-7, definition of "sewer system"; 274-8; 274-10B, D(1) and E; 274-11A, B, C and D; 274-12; 274-13; 274-14; 274-16; 274-17, definition of "POTW"; 274-18C(5), (9), (16) and (17); 274-19C; 274-21A and C; 274-22; 274-23; 274-24A and B; 274-25A, B and C; 274-26A and B(3); 274-27B; 274-28; 274-29A and B(1); 274-30; 274-31A and B; 274-32; 274-33; 274-34; 274-35; 274-36; 274-37; 274-38A; 274-39; 274-40; 274-41A and C; 274-42A, B and C; 274-43A and B; 274-44; 274-45; 274-46A(2); 274-48B; 274-50; 274-51; 274-52; 274-53; 274-54; 274-55; 274-56A; 274-57; 274-58; 274-61A, D(2), E(1) and (2), F(2) and (3) and G; 274-62A and C; 274-63; 274-64C; 274-65; 274-66B(3); 274-68A, the definition of "severe property damage"; 274-68C(1), (2), D(1) and (2); 274-70; 274-71E and F §§ 288-3, definition of "sanitary landfill"; 288-4B(1); 288-8B; 288-10C(5); 288-14B; 288-20F; 288-22; 288-23E(1) and (4); 288-27B; 288-29; 288-49B; 288-52A; 288-57A; 288-58; 288-59; 288-64A; 288-67A; 288-75
Ch. 304, Streets and Sidewalks	§ 304-11
Ch. 328, Taxation	§§ 328-8B(2)(a); 328-10; 328-19B(1) and C
Ch. 342, Water	§§ 342-1; 342-2; 342-3; 342-4;

Chapter	Article/Section
	342-5; 342-6B; 342-7; 342-8; 342-13, definitions of “connection to water supply system” and “water system”; 342-14; 342-15; 342-16A; 342-17; 342-18, definitions of “authority” and “reclaimed water”; 342-19; 342-20; 342- 21; 342-23, definition of “authority”; 342-24; 342-25; 342-26A, B and C; 342-27; 342-28; 342-29; 342-30

SECTION 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

SECTION 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

SECTION 1-9. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Township Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

SECTION 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Commissioners to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

SECTION 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Commissioners subsequent to the effective date of this codification which the Board of Commissioners shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

SECTION 1-12. Publication of notices.

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

SECTION 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the Township to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

SECTION 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Board of

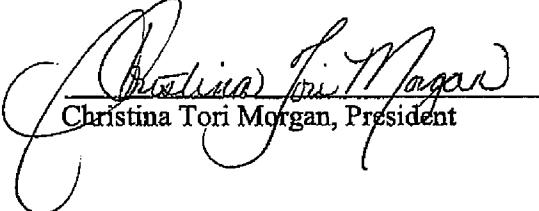
Commissioners that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

SECTION 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after December 7, 2016.

DULY ORDAINED AND ENACTED this 7th day of December, 2016 by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

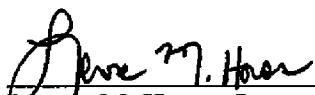
TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS



Christina Tori Morgan

Christina Tori Morgan, President

ATTEST:



Lenore M. Horos

Lenore M. Horos, Secretary