

AN ORDINANCE AMENDING ORDINANCE NO. 196 OF THE BOROUGH OF CLYMER AS ENACTED JUNE 15, 1977, PROVIDEING FOR RESTRICTIONS OF DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE AND PROHIBITING CERTAIN ACTIVITIES WITHIN THE FLOOD PLAIN DISTRICT.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clymer, County of Indiana and Commonwealth of Pennsylvania, and it is hereby ordained and enacted as follows:

Article IV of Ordinance 196 of the Borough of Clymer as enacted June 15, 1977, is hereby amended to add thereto Sections 4.4 and 4.5, said Sections to read as follows:

Section 4.4 Development Which May Endanger Human Life

The provisions of this Section shall be applicabel, in addition to any other applicable provisions of this Ordinance, or any other ordinance code or regulation.

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs 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 which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

1. Acetone
2. Ammonia
3. Benzene
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. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

Within the Floodway, any structure of the kind described above shall be prohibited.

Where permitted within the Floodway Fringe or Approximated Flood Plain, any structure of the kind described above shall be:

1. elevated or designated and constructed to remain completely dry up to at least one and one-half (1½) feet above the one-hundred (100) year flood; and
2. designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.

Any 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 flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Except for a possible modification of the free board requirements involved, no variances shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 4.4).

Section 4.5 Prohibited Activities

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978 - 166) and regulations adopted by the Department of Community Affairs as required by the Act the following obstructions and activities are prohibited if located entirely or partially within the Flood Plain District:

1. Hospitals (public or private)
2. Nursing homes (public or private)
3. Jails or prisons
4. New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks or mobile hom subdivisions.

Section 5.2 of Article V of Ordinance No. 196 of the Borough of Clymer as enacted June 15, 1977, is hereby amended to read as follows:

Section 5.2 Site Plan Criteria

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

1. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
2. A map showing the location of the proposed subdivision and/or land development with respect to the municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.
3. Where the subdivision and/or land development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon slope of the land and identify accurately the boudnaries of the flood-prone areas.

Utility and Facility Requirements

For all purposed subdivisions, mobile home parks or subdivisions, or other land developments the Building Permit Officer shall require:

1. All new replacement water system, located in the Flood Plain District, whether public or private, shall be floodproofed to the Base Flood Elevations.
2. All new or replacement sanitary disposal systems, located within the Flood Plain District, whether public or private shall be floodproofed to the Base Flood Elevation.
3. All other new or replacement public and/or private utilities and facilities shall be elevated or floodproofed to the Base Flood Elevation.

Drainage

Adequate drainage shall be provided to reduce exposure of flood hazards.

Section 7.1 of Article VII of Ordinance No. 196 of the Borough of Clymer as enacted June 15, 1977, is hereby amended to add thereto the following:

No variance shall be granted for any obstruction or activities prohibited under Section 4.5.

In all other respects, Ordinance No. 196 of the Borough of Clymer, as enacted June 15, 1977 shall remain as heretofore.

ORDAINED AND ENACTED this 17th day of July, 1985.

BOROUGH OF CLYMER

Attest:

Melanie A. Williard
Secretary

By William Britsky
President