

Lower Milford Township  
Lehigh County, Pennsylvania

ORDINANCE NO. 86

BE IT HEREBY ORDAINED AND ENACTED ORDINANCE NO. 86

IS INTENDED TO

ESTABLISH A FLOODPLAIN ORDINANCE,  
AMENDING ORDINANCE NO. 49, ENACTED JAN. 5, 1987,

for

THE TOWNSHIP OF LOWER MILFORD  
LEHIGH COUNTY, PENNSYLVANIA

WHEREAS, increasing use of land in areas in and near streams has led to problems with uses and structures located therein; and

WHEREAS, the public health, safety and welfare, and the nature and the quality of the environment are threatened if areas that are subject to flooding and high water are not managed in an environmentally sound manner; and

WHEREAS, the Zoning Ordinance of Lower Milford Township is being revised to reflect new planning techniques; and

WHEREAS, it is the desire to plan and control the uses and structures in areas subject to flooding and high water;

NOW, THEREFORE, the following Ordinance is enacted by the Board of Supervisors of Lower Milford Township and shall become effective immediately upon adoption.

## ARTICLE I. GENERAL PROVISION

### Section 1.00 - Title

The Lower Milford Township Floodplain Management Ordinance is a legal document which places controls on the use and development of land in the area of the Township subject to flooding to meet requirements off the Pennsylvania Flood Management Act and the National Flood Insurance Program, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for violations thereof.

### Section 1.01 - Short Title

This Ordinance shall be known and may be cited as "The Lower Milford Township Floodplain Zoning Ordinance."

### Section 1.02 - Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety standards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditures of public funds for flood protection and relief and the impairment of tax base by:

A. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases

in flood height, velocities and frequencies.

B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.

C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

#### Section 1.03 - Applicability

A. These provisions shall apply to all lands within the jurisdiction of Lower Milford Township which are located within any General Floodplain District (FA) area.

B. 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 Floodplain District unless a Building/Zoning Permit has been obtained from the Building/Zoning Officer.

C. A permit shall not be required for minor repairs to existing buildings or structures.

#### Section 1.04 - Warning and Disclaimer of Liability

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

This Ordinance shall not create liability on the part of Lower Milford Township or any officer or

employee thereof for any flood damages that result from reliance on this Ordinance or any other ordinance, resolution, statute, directive, or any administrative decision made thereunder.

Section 1.05 - Abrogation and Greater Restrictions

This Ordinance supercedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.06 - Severability

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

ARTICLE II. ESTABLISHMENT OF THE GENERAL FLOODPLAIN DISTRICT (FA)

Section 2.00 - Identification

The general Floodplain District (FA) shall be any area of Lower Milford Township subject to the one hundred (100)-year flood, as delineated in the Flood Insurance Study and mapping prepared for Lower Milford Township by the Federal Insurance Administration (FIA) and dated November 7, 2001. The district shall include all Zones (A, AE, AH and AO) determined to be one hundred (100)-year flood hazard areas which have been identified by the Federal Emergency Management Agency (FEMA) mapping dated November 7, 2001, or the most recent revision thereof.

Section 2.01 - Overlay Concept

A. The General Floodplain District shall be considered an overlay to the existing

underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Floodplain District shall serve as a supplement to the underlying district provisions.

B. Where there happens to be any conflict between the provisions or requirements of the Floodplain District and those of any underlying district, the more restrictive provisions shall apply.

#### Section 2.02 - Zoning Map

The approximate boundaries of the General Floodplain District (FA) are indicated on the Official Zoning Map of the Township of Lower Milford which is declared to be a part of this Ordinance and which shall be kept at the Lower Milford Township Municipal Office. Specific identification of the General Floodplain District and the one hundred (100)-year flood elevation shall be made in accordance with Section 2.00 and Section 2.03 of this Article.

#### Section 2.03 - Description of Floodplain Areas

The identified Floodplain Area shall consist of the following specific areas:

A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100)-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study. The basis for the outermost boundary of this area shall be the one hundred (100)-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

C. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100)-year flood elevations have been provided, but no floodway has been delineated.

D. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100)-year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100)-year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100)-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis 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, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

Section 2.04 - Changes in Identification of District

The General Floodplain District may be revised or modified by an amendment to the Flood Insurance Study and mapping prepared by the Federal Emergency Management Agency, dated November 7, 2001, where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained by the Federal Insurance Administration (FIA).

Section 2.05 - Uses Permitted in a General Floodplain District

A. Cultivation and harvesting crops according to recognized soil conservation practices.

B. Pasture and grazing of animals according to recognized soil conservation practices.

C. Outdoor plant nursery or orchard according to recognized soil conservation practices.

D. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.

E. Game farms or hunting and fishing reserves for the protection and propagation of wildlife, but permitting no structures.

F. Forestry, lumbering and reforestation according to recognized natural resource conservation practices and Zoning Ordinance No. 75, Section 470, Protection of Natural Resources, or any amendment thereto.

G. Front, side, and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems and further provided that the provisions of Zoning Ordinance No. 75, Section 470, Protection of Natural Resources, or any amendments thereto, shall be utilized to compute minimum lot area for the district in which such lot is located.

H. Normal accessory uses (excepting enclosed structures, fences, and swimming pools) permitted under the usual zoning in Agricultural, Residential, Commercial and Industrial districts.

I. Sanitary sewer collection mains and storm sewers with the approval of the Township engineer, the Planning Commission, and the Board of Supervisors. These systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges

from the systems into the flood waters.

J. One - or two-strand wire fences, or any other fence which allows the passage of waters of maximum flood elevation through it without an upstream or downstream increase in water surface elevation.

K. Temporary single events such as circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation transport.

Section 2.06 - Uses Not Permitted in the General Floodplain District

The following uses shall not be permitted in the General Floodplain District.:

A. All freestanding structures, manufactured homes and trailers (whether residential or non-residential), buildings and retaining walls, with the exception of flood retention dams, culverts, and bridges as approved by the Pennsylvania Department of Environmental Protection.

B. Fish Hatcheries, including uncovered ponds and raceways.

C. The filling or removal of topsoil.

D. The alteration and relocation of any watercourse without approval by the Pennsylvania Department of Environmental Protection and the Board of Supervisors of Lower Milford Township which shall first have received the comments of the Township Planning Commission and the Soil Conservation Service, U. S. Department of Agriculture, thereon. If approved, the Township shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator. The developer shall assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.



E. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials.

F. On-site sewage disposal systems.

G. Private water supply wells.

H. Within any Floodplain District, 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 or storage of a supply (more than 50 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances, shall be prohibited within any Floodplain

District:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric 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
18. Radioactive substances, insofar as such substances are not otherwise regulated.
19. Other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (PA. Department of Environmental Protections' Hazardous Waste Management Regulations).

I. The following obstructions and activities as set forth in the Pennsylvania Floodplain Management Act (Act 1978-166), are prohibited if located entirely or partially within a Floodplain District:

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

J. Any other use not expressly permitted in either Section 2.05 or by Special Exception in Section 2.07 of this Ordinance.

Section 2.07 - Uses Permitted by Special Exception Grant in a General Floodplain District.

A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting toilet facilities but permitting piers, docks, floats, or unenclosed shelters usually found in developed outdoor recreational areas. Any toilet facilities provided

shall be connected to public water and sewerage systems.

B. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval to the Township Engineer, appropriate sewer authorities and Pennsylvania Department of Environmental Protection when accompanied by documentation as to the necessity for locating within the boundaries of the General Floodplain District.

C. Sealed public water supply wells with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection.

D. Stormwater retention and/or detention control pond, sedimentation and erosion control measures, facilities, structures, impoundment basins, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection.

E. Roads, driveways and parking facilities except that parking lots designed or used for storage and parking lots for hotels, motels, and other overnight parking are prohibited.

F. Grading or regrading lands, including the deposit of topsoils and the grading thereof.

The application for a special exception for such a use shall be accompanied by the following:

1. Detailed engineering studies indicating the effects on drainage and streams on all adjacent and upstream properties as well as the property in question.
2. An application for amending the boundaries of the General Floodplain District if the boundaries are affected by the grading or regrading of land.
3. A plan indicating the depositing of any fill or materials proposed to be deposited by the grading or regrading of land: such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

G. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:

1. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters.

All gas lines shall have a system of shut-off valves for service to the Floodplain District to allow positive control during flood emergencies.

2. Electrical transmission lines and supporting structures shall be installed so as to minimize or eliminate flood damage and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:

a. Above-ground lines supporting structures shall enter the Floodplain District only to cross a watercourse, shall cross the watercourse and the Floodplain

District using the most direct and shortest route possible consistent with the goals, objectives, and purposes, and intents of this Article, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.

b. Above-ground lines shall be elevated so that their lowest portions are a minimum of ten (10) feet above the one hundred (100) year flood elevation.

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

d. Facilities and service in the Floodplain District shall be designed so that flood damage within the District does not disrupt service outside the District.

H. Water monitoring devices.

I. Dams, culverts, bridges, and approaches to public and private culverts and bridges provided the same meet all of the following conditions:

1. Review and/or approval by the Lehigh Valley Planning Commission, if required.
2. Approval by the Delaware River Basin Commission, if required.
3. Approval by the Pennsylvania Department of Environmental Protection, if required.
4. Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
5. Approval by the U. S. Army Corps of Engineers, if required.

6. If approval by PennDOT is not required, the proposed use must still meet all the appropriate minimum design standards of PennDOT.

7. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.

J. Other uses similar to the above, provided the use will not reduce the cross-section area of the floodplain or cause any increase in flood elevation.

### ARTICLE III. ADMINISTRATION

#### Section 3.00 — Issuance of Building/Zoning Permit

A. The Permit Officer 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, ordinances, statutes, and regulations and upon receipt of a report to prepared by the Township Engineer.

B. Prior to the issuance of a permit, the Township Engineer shall review the Application for Permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537), as amended; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404.33 U.S.C. 1334. No permit shall be issued by the Zoning Officer until this determination has been made, and the required permits are obtained. The Township Engineer shall render his report to the Zoning Officer only after he has determined the above requirements have been satisfied.

C. 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 of Lower Milford, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office, Wilkes-Barre. In addition, the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

Section 3.01 — Application Procedures

A. If any proposed construction of development is located entirely or partially within any General Floodplain District, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Township Engineer to determine that:

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

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Permit Officer and the Township Engineer to make the above determination.

4. A completed Permit Application form.
5. A plan of the entire site, duly sealed and certified by a Pennsylvania Registered Professional Engineer, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- a. North arrow, scale and date;
  - b. Topographic contour lines at two-foot intervals based upon National Geodetic Vertical Datum of 1929;
  - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land developments;
  - e. The location of all existing streets, drives and other accessways; and
  - f. 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.
6. Plans of all proposed buildings, structures, and other improvements drawn at suitable scale showing the following:
- a. The proposed lowest flood elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
  - b. The elevation of the one hundred (100)- year flood;
  - c. If available information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100)- year flood; and
  - d. Detailed information concerning any proposed flood-proofing measures
7. The following data and documentation:



a. 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 one hundred (100)- year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100)- year flood.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

b. Detailed information needed to determine compliance with Section 4.01 F, Storage, including:

(1) The amount, location and purpose of any materials or substances referred to in Section 4.01 F which are intended to be used, produced, stored or otherwise maintained on site.

(2) Description of safeguards incorporated into design of proposed structure to prevent leaks/spill of stored materials/substances listed in Section 4.01 F during a one hundred (100)- year flood.

c. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development."

d. 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.

e. 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 or Act 1978-166.

Section 3.02 — 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 applicant to the County Conservation District for review and comment prior to the issuance of a Building Permit. The recommendations of the Conservation District shall be considered by the Permit Officer and the Township Engineer for possible incorporation into the proposed plan.

Section 3.03 — Review of Application by Others

A copy of all plans and applications for any proposed construction of development in any identified floodplain area to be considered for approval shall be submitted by the applicant upon request by the Township Engineer to any other appropriate agencies and/or individual for review and comment.

Section 3.04 — Changes to Originally Submitted Permit

After the issuance of a Building/Zoning Permit by the Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent of approval from the Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Permit Officer; and the Township Engineer shall review the submission and render his report to the Permit Officer.

Section 3.05 — Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the Building/Zoning Permit or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer. Construction

and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions may be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Permit Officer to approve such a request, and upon receipt of a written report rendered by the Township Engineer.

### 3.06 - Inspection and Revocation

A. During the construction period, the Township Engineer 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 Township codes and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his/her duties, the Township Engineer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the Township Engineer or other Township Official discovers that the work does not comply with the Permit Application or any applicable laws, codes, or ordinances, or that there has been a false statement or misrepresentation by any applicant, a report shall be rendered to the Permit Officer and the Permit Officer shall revoke the Building/Zoning Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

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

### Section 3.07 — Fees

Application for a Building/Zoning Permit shall be accompanied by a fee, payable to the Township, said fee to be set annually by resolution of the Board of Supervisors.

Section 3.08 — Enforcement

A. Notices

Whenever the Permit Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Permit Officer shall give notice of such alleged violation as hereinafter provided.. Such Notice shall comply with the Pennsylvania Municipalities Planning Code Section 616.1. Enforcement Notice requirements or any amendment thereto.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence to be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All

judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid to the municipality whose ordinance has been violated.

In addition to the above penalties, all other actions and remedies of the Township are hereby preserved including and action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with this Ordinance shall not excuse the violation or non-compliance or permit it to continue or remedy such violations and non-compliances. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

#### Section 3.09 — Appeals

A. Any person aggrieved by an action or decision of the Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board.

B. Upon receipt of such appeal, the Zoning Hearing Board shall set a time and place at which the appeal will be considered and notice shall be given to all parties as required by the Township's Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by timely appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

#### Section 3.10 — Subdivision and Land Development

A. All Subdivision and Land Developments as defined in the Lower Milford Township Subdivision and Land Development Ordinance as amended, and lying partially or in total, in a General Floodplain District, shall submit all that information required for hearing and deciding upon

Special Exceptions as contained in Article VI, Section 6.02-B-1, 2, 3, 4, and 5.

B. Time of Submission shall be in accordance with the following:

1. Subdivisions — As a Supplement to a Preliminary Plan Submission.
2. Land Developments — As a Supplement to a Preliminary Plan Submission.

#### ARTICLE IV. GENERAL TECHNICAL REQUIREMENTS

##### Section 4.00 — General

A. In the General Floodplain District, the development and/or use of land shall be permitted in accordance with this ordinance and the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances, and provided that within any designated floodway area:

1. Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protections, Bureaus of Dams, Waterways and Wetlands.

B. In floodplains having no designated floodway, new construction or development shall not be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. Where permitted, the lowest floor (including basement) of any new construction of, or substantial improvement to, residential structure shall be at least one and one-half (1-1/2) feet above

the one hundred (100)- year flood elevations.

D. Where permitted, the lowest floor (including basement) of any new construction of, or substantial improvement to non-residential structures shall be a least one and one-half (1-1/2) feet above the one hundred (100 -year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U. S. Army Corps of Engineers, June 1972 as amended March 1992), or some other equivalent standard for that type of construction.

All plans for such flood-proofing 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.

E. Fully and/or partially enclosed space below the lowest floor (including basement) is prohibited.

#### Section 4.01 — Design and Construction Standards

The following minimum standards shall apply for all construction and development permitted within any General Floodplain District:

A. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (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 (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Permit Officer, 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 insure proper drainage along streets, and provide positive drainage away from building. 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 and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any Floodplain District except for the alteration and/or repair of systems existing prior to the enactment of this Ordinance in strict compliance with all State and local regulations for such systems.



If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

#### D. Other Utilities

All other utilities such as gas line, electrical, and telephone systems shall be located 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 (1) 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 Section 2.06 H. Shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed 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 flood water.

#### 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 or 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.) 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 (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

1. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for drainage of these systems in the event that flood water infiltration occurs.

ARTICLE V. EXISTING STRUCTURES IN GENERAL FLOODPLAIN DISTRICTS

Non-conforming structures existing in any General Floodplain District prior to the enactment of this Ordinance may continue to remain, provided that:

A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (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 Ordinance.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

C. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the one hundred (100)-year floodplain elevation.

## ARTICLE VI. VARIANCES

### Section 6.00 - General

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

### Section 6.01 - Variance Procedures and Conditions

A. Notwithstanding the provisions of this Article, no variance shall be granted for the following obstructions and activities if located entirely or partially within an identified floodplain area:

1. Hospitals (public or private)
2. Nursing Homes (public or private)
3. Jails or prisons
4. New manufactured home parks and manufactured home subdivisions, and

substantial improvements to existing manufactured home parks.

5. 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 500 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium carbide

- e. Carbon Disulfide
- f. Celluloid
- g. Chlorine
- h. Hydrochloric acid
- i. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen
- l. Petroleum products (gasoline, fuel oil, etc.)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulphur and sulphur and sulphur products
- r. Radioactive substances, insofar as such substances are not otherwise regulated.
- s. Other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (PA Dept. Of Environmental Protection hazardous Waste Management Regulations).

6. Any development, construction, or activity which will reduce the cross-sectional area of the 100-year floodway, or cause any increase in the 100-year floodplain elevation.

B. If granted, a variance shall involve only the least modification necessary to provide relief. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (60.3 a, b, c, and d),

including the requirements for flood-proofing, anchoring and elevation. The applicant must also comply with any other requirements considered necessary by the Township.

C. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance

D. Whenever a variance is granted, the Township shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks of life and property.

E. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

1. That there is good and sufficient cause.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of the variance will result in (i) neither an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor (ii) create nuisances, cause fraud upon, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

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

Section Summary Note:

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100)- year flood.

Section 6.02 - Standards and Criteria for Special Exceptions

A. In addition to the provisions of Article II, Section 2.07, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
2. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
4. That the proposed facility needs a waterfront or floodplain location.
5. That available alternative locations not subject to flooding for the proposed use do not exist.
6. That the proposed use is compatible with existing and anticipated development.
7. That the proposed use is consistent with the Lower Milford Township Comprehensive Plan and any floodplain management program for the area.
8. That the safety of access to the property in times of flooding for ordinary and emergency vehicles will be assured.
9. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment transport, debris transport, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
10. That the proposed activity will not unduly alter natural water flow or water

temperature.

11. That archeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.

12. That the natural, scenic, and aesthetic values at the proposed site will be conserved.

13. That a minimal amount of danger, damage, and injury to all properties on both sides of any watercourse, regardless of municipality, will occur. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's Planning Commission and governing body for review and comment.

14. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for flood-proofing shall not cause:

- a. Increases in flood heights.
- b. Additional threats to public safety.
- c. Extraordinary public expense.
- d. Creation of nuisances.
- e. Fraud or victimization of the Public.
- f. Conflict with local, state or federal laws, ordinances, or regulations.

B. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the burden of proof shall be on the applicant. The Zoning Hearing Board shall require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information shall



include, but is not limited to, the following:

- 1.. A written request including a completed Building Permit Application form.
2. A small scale map showing the vicinity in which the proposed site, is located.
3. A plan of the entire site duly sealed and certified by a Pennsylvania Registered Professional Engineer, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100)

feet or less, showing the following:

- a. North arrow, scale and date;
- b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
- c. All property and lot lines including dimension, and the size of the site expressed in acres or square feet;
- d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
- e. 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;
- f. The location of the Floodplain District boundary line information and spot elevations concerning the one hundred (100)-year elevations, and information concerning flow of water including direction and velocities;
- g. The location of all proposed buildings, structures, utilities, and any other

improvements; and

h. Any other information which the municipality considers necessary for adequate review of the application.

4. Plans of all proposed buildings, structures and other improvements, clearly and legible drawn at suitable scale showing the following:

a. Sufficiently detailed architectural or engineering drawings includes floor plans, sections, and exterior building elevations, as appropriate;

b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100)-year flood;

d. Detailed information concerning any proposed flood-proofing measures;

e. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-ways and pavement widths.

f. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

5. The following data and documentation:

a. 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.

- b. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100)-year flood;
- c. 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 one hundred (100)-year flood, including a statement concerning the effects such pollution may have on human life;
- d. 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 one hundred (100)-year flood elevations and flows;
- e. 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 one hundred (100)-year flood elevation and the effects such materials and debris may have on the one hundred (100)-year flood elevations and flows;
- f. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development";
- g. 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;

h. 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;

6. Prior to consideration by the Zoning Hearing Board, one copy each of all plans and applications for any proposed Special Exception Use in a General Floodplain District shall be supplied and distributed to the following persons/agencies for their review, comment and recommendations;

- a. Permit Officer
- b. Township Engineer
- c. Department of Environmental Protection
- d. Lehigh Valley Planning Commission
- e. Delaware River Basin Commission, if required
- f. Pennsylvania Department of Transportation, if required
- g. Lower Milford Township Planning Commission
- h. Lehigh County Soil Conservation District

The Zoning Hearing Board shall take no action until such time as a report of recommendations is received from the aforementioned agencies, authorities, and departments, or until such time that indication is received that no report will be forthcoming.

However, the Zoning Hearing Board may solicit the comments and recommendations or any other experts or authorities it may deem necessary to assist it in arriving at a fair and

impartial determination.

7. In granting any Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of this Ordinance.

## ARTICLE VII. DEFINITIONS

### Section 7.00 — General

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

### Section 7.01 — Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Basement - means any area of the building having its floor below ground level on all sides.
3. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
4. Channel - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.
5. Channel Flow - That water which is flowing within the limits of a defined channel.
6. Completely dry space - A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
7. Conservation Plan - A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.
8. Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

9. 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.
10. Driveway - A private drive providing access between public or private street or access drive and a permitted use of structure.
11. Essentially dry space - A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
12. Fill - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to, levees, bulkheads, dikes, jetties, embankments, and causeways.
13. Flood - A temporary inundation of normally dry land areas.
14. Flood of Record - The flood which has reached the highest flood elevation above mean sea level at a particular location.
15. 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.
16. Flood-proofing - Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
17. Floodway - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
18. Hazardous Material - Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts of metallo-organic derivatives; coal tar acids, such as phenol and cresols, and their salts; petroleum products; and radioactive material. Also included are floatable materials with the potential to cause

physical damage, such as logs, storage tanks, and large containers.

19. Historic structure - Any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register;
- (ii) 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;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs 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.

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

21. Land development - Any of the following activities:

- (i) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets,

common areas, leasehold, condominiums, building groups or other features.

(ii) A subdivision of land.

22. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
23. Manufactured home park - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
24. Maximum Flood Elevation - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain District.
25. Mean Sea Level - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.
26. Minor Repair - The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
27. New construction - Structures for which the start of construction commenced on or after January 5, 1987, and includes any subsequent improvements thereto.
28. Obstruction - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
29. One Hundred Year Flood - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).



30. One Hundred (100) Year Flood Boundary - The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one (1) percent chance of being flooded each year) as defined and reflected in the flood insurance study prepared for Lower Milford Township by the Federal Insurance Administration dated 2 November 1979.
31. One Hundred (100) Year Flood Elevation - The water surface elevations of the 100 year flood.
32. Overlay - It is a transparent sheet containing graphic matter to be superimposed on another sheet (as a map or photograph).
33. Permit Officer - The Lower Milford Township Zoning Officer.
34. 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.
35. Pesticide - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating and insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.
36. Petroleum Product - Oil or petroleum of any kind in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.
37. Radioactive Material - Any natural or artificially produced substance which emits radiation spontaneously.
38. Recreational vehicle - A vehicle which is:
  - (i) built on a single chassis;
  - (ii) not more than 400 square feet, measured at the largest horizontal projections;
  - (iii) designed to be self-propelled or permanently towable by a light-duty truck;
  - (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
39. Regulatory flood elevation - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

40. Soil Survey - The latest published version of the United States Department of Agriculture's Soil survey for Lehigh County, Pennsylvania.
41. Solid Waste - Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural, residential, and community activities.
42. Special permit - A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
43. Structure - Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or affixed to land.
44. 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 development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
45. Substantial damage - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal or exceed fifty (50) percent or more of the market value of the structure before the damaged occurred.
46. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however include either:
- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
  - (ii) Any alteration of a "historic structure", provided that the alterations will not preclude the structure's continued designation as a "historic structure".
47. Township Engineer - The Lower Milford Township's appointed Engineer and/or

appointed Consulting Engineer Firm.

48. Watercourse - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water.
49. Watershed - All the land from which water drains into a particular watercourse.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of  
Lower Milford Township, County of Lehigh, Commonwealth of Pennsylvania, this

13 DAY of December, 2001.

BOARD OF SUPERVISORS  
LOWER MILFORD TOWNSHIP

Ted Benson  
Chairman

ATTEST:

Jean B. Dreibell  
Secretary/Treasurer

Terry W. Miller  
Vice-Chairman