

**BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 553

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 550, WHICH IS THE BOROUGH'S FLOODPLAIN MANAGEMENT ORDINANCE, TO REVISE SECTION 5.02(E) PERTAINING TO ACCESSORY STRUCTURES TO REDUCE THE ALLOWABLE SIZE OF THE FLOOR AREA OF AN ACCESSORY STRUCTURE FROM A MAXIMUM OF 600 SQUARE FEET TO A MAXIMUM OF 200 SQUARE FEET; ALLOWING FOR A NON-RESIDENTIAL ACCESSORY STRUCTURE OVER A MAXIMUM OF 200 SQUARE FEET IF THE SAME COMPLIES WITH THE REQUIREMENTS FOR NON-RESIDENTIAL STRUCTURES PURSUANT TO SECTION 5.02(B) AND COMPLIES WITH ANY AND ALL OTHER ORDINANCE REQUIREMENTS; TO REVISE SECTION 5.06 PERTAINING TO SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES TO CLARIFY THAT MANUFACTURED HOMES ARE PROHIBITED WITHIN ANY IDENTIFIABLE FLOODPLAIN AREA UNLESS CERTAIN CRITERIA AND REQUIREMENTS ARE MET; TO REVISE THE DEFINITION OF ACCESSORY USE OR STRUCTURE IN SECTION 9.02 OF ARTICLE IX, DEFINITIONS, DUE TO THE AMENDMENT TO SECTION 5.02(E); REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 10, 2015, the Borough Council of the Borough of California enacted Ordinance No. 550, which is the Borough's Floodplain Management Ordinance, and which was prepared by FEMA's local floodplain consultant with input from Borough official(s); and

WHEREAS, the Borough received a letter from FEMA, which was dated December 11, 2015, advising that certain sections of Ordinance No. 550 were not in compliance with the National Flood Insurance Program (NFIP) and would need to be revised to bring Ordinance No. 550 fully into compliance with the requirements of the National Flood Insurance Program (NFIP),

WHEREAS, by this instant Ordinance, the Borough Council wishes to amend Ordinance No. 550 to bring the Borough's Floodplain Management Ordinance fully into compliance with the National Flood Insurance Program (NFIP).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of California, County of Washington, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

SECTION 1. AMENDMENT OF ARTICLE V IN ORDINANCE NO. 550.

- I. Upon the enactment of this instant Ordinance by the Borough Council of the Borough of California, Subsection E “Accessory structures” of Section 5.02 “Elevation and Floodproofing Requirements” of Article V “Technical Provisions” of Ordinance No. 550 shall be amended to read as follows:

ARTICLE V – TECHNICAL PROVISIONS

Section 5.02 Elevation and Floodproofing Requirements

E. Accessory structures

1. Structures accessory to a principal building, which are 200 square feet or less, need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - a. 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.
 - b. Floor area shall not exceed 200 square feet.
 - c. The structure will have a low damage potential.
 - d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - e. Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
 - f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - g. Sanitary facilities are prohibited.
 - h. 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:
 - i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

- ii. The bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
2. Structures accessory to a principal building, which are greater than 200 square feet shall fully comply with the requirements for non-residential structures provided under Section 5.02(B) "Non-residential Structures."
- II. Upon the enactment of this instant Ordinance by the Borough Council of the Borough of California, Section 5.06 "Special Requirements for Manufactured Homes" of Article V "Technical Provisions" of Ordinance No. 550 shall be amended as follows:

Section 5.06 Special Requirements for Manufactured Homes

- 1. The following subparts, A and B, below, in Ordinance No. 550 will be deleted in their entirety:
 - 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 following provisions apply:
 - B. Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:
- 2. The following subparts, which are C, D, E, and F, respectively, in Ordinance No. 550, will be maintained and will now become subparts A, B, C, and D as follows:
 - A. Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - 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 one and one half (1 ½) feet above base flood elevation;
 - 3. and anchored to resist flotation, collapse, or lateral movement.
 - 4. and have all ductwork and utilities including HVAC/heat pump elevated 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 Chapter 401-405 shall apply.

- D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest edition thereto adopted by the State of Pennsylvania, 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.

SECTION 2. AMENDMENT OF ARTICLE IX IN ORDINANCE NO. 550.

Upon the enactment of this instant Ordinance by the Borough Council of the Borough of California, the definition of "Accessory use or structure" contained in Section 9.02 "Specific Definitions" of Article IX "Definitions" of Ordinance No. 550 shall be amended to read as follows:

ARTICLE IX – DEFINITIONS

Section 9.02 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. Accessory uses or structures shall be limited to non-residential uses.

The amendment in the definition listed above is necessitated by the amendment of Section 5.02(E) as stated above.

SECTION 3. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances and/or any and all portions of prior Ordinances, including, specifically, Ordinance No. 550, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 4. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective immediately.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 14 day of April, 2016.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Gann
Borough Secretary

By: *Robert J. Alfano*
President of Council

EXAMINED AND APPROVED by me this _____ day of _____, 2016.

BOROUGH OF CALIFORNIA

By: _____
Mayor