

BOROUGH OF SWARTHMORE
ORDINANCE NO. 1028

AN ORDINANCE OF THE BOROUGH OF SWARTHMORE AMENDING CHAPTER 1457 OF THE CODIFIED ORDINANCES OF THE BOROUGH OF SWARTHMORE RELATING TO FLOODPLAIN MANAGEMENT FOR PURPOSES OF COMPLYING WITH THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM

The Borough Council of the Borough of Swarthmore does enact and ordain as follows:

Section 1. Amendment of Chapter 1457. Chapter 1457 of the Codified Ordinances of the Borough of Swarthmore shall be amended as follows:

1457.02 Definitions.

The following new definitions shall be added to Section 1457.02 in alphabetical order:

BASEMENT – means any area of the building have its floor below ground level on all sides.

FLOODWAY - means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the 100-year frequency flood. On the Flood Insurance Rate Map (FIRM), this includes any area identified as being within a Special Flood Hazard Area (FW), including the A, AE, AH, AO, AR, A99, V, and VE zones, and shall include the FE (Special Floodplain Area) if such area exists. In an area where no FEMA maps or other studies have identified the boundary of the 100-year frequency floodway, it is assume, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

NEW CONSTRUCTION – structure for which the start of construction commenced on or after September 12, 1993, and includes any subsequent improvements thereto.

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.

1457.17 Identification of Federal Emergency Management Agency (FEMA) Floodplain Areas.

1457.17(a) shall be deleted and replaced as follows:

The identified FEMA floodplain shall be those areas of the Borough which are subject to the 100-year flood, as identified in the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated November 18, 2009 and the

accompanying maps or the most recent revision thereof as issued by FEMA, including all digital data developed as part of the FIS.

1457.22 Elevation and Floodproofing Requirements.

The following shall be added to 1457.22 (a) and 1457.22 (b)(1):

Partially enclosed space below the lowest floor (including basement) 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 flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

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 (1) square inch for every square foot of enclosed space.
- b. the bottom of all openings shall be no higher than one (1) 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

1457.28 Variances.

The following shall be added to 1457.28:

No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

Section 2. Severability.

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

Section 3. Repealer.

All resolutions or ordinances, or parts thereof that are inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 4. Enactment.

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

ADOPTED THIS 9TH DAY OF NOVEMBER, 2009.

BOROUGH COUNCIL

Tom Huestis
President

ATTESTED THIS 9TH DAY OF
NOVEMBER, 2009

Jane C. Billings
Borough Manager

APPROVED THIS 9TH DAY OF
NOVEMBER, 2009

Elric C. Gerner
Mayor