

COPY

EATON TOWNSHIP AND MONROE TOWNSHIP
WYOMING COUNTY, PENNSYLVANIA

EATON TOWNSHIP ORDINANCE NO. 2011-3
MONROE TOWNSHIP ORDINANCE NO. 2011-1

AN ORDINANCE AMENDING THE EATON-MONROE ZONING ORDINANCE OF 2006, AS AMENDED, TO:

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ITEM 17 - AMEND §827 RELATED TO COMPRESSOR STATIONS, METERING STATIONS AND
OPERATION/MAINTENANCE FACILITIES IN THE SCHEDULE OF USES 28

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Eaton Township and the Board of Supervisors of Monroe Township, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

The Eaton-Monroe Zoning Ordinance of 2006, as amended, is hereby amended as follows:

☛ **ITEM 1 - Amend §401.3 to read as follows:**

401.3 Floodplain Overlay District

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the base (100-year) flood, as identified in the most current *Flood Insurance Study* and the accompanying *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency for Eaton Township and for Monroe Township. In addition to all other applicable standards of this Zoning Ordinance the floodplain regulations in Article XIV of this Ordinance shall apply in the Floodplain Overlay District.

ITEM 2 - Amend Article XIV to read as follows:**ARTICLE XIV
FLOODPLAIN MANAGEMENT****1400 Statutory Authority; Floodplain Overlay District; Regulation of Development****1400.1 Statutory 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, this Article is adopted in accord with that delegation and authority.

1400.2 Floodplain Overlay District

The requirements of this Article shall apply in the Floodplain Overlay District established by §401.3 of this Zoning Ordinance.

1400.3 Regulation of Development

- A. Eaton Township - Any development in Eaton Township authorized by this Article shall comply with the technical provisions of §1404 and all other applicable codes and ordinances.
- B. Monroe Township - No development shall be permitted in any identified floodplain area in Monroe Township unless a variance is granted in accord with §1407. Any development in Monroe Township authorized by variance shall comply with the technical provisions of §1404 and all other applicable codes and ordinances.
- C. Existing Structures in Identified Floodplain Areas - See §1406.

1401 General Provisions**1401.1 Intent**

The intent of this Article 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.

1401.2 Applicability

- 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, unless a Zoning permit has been obtained from the Floodplain Administrator.

- B. A zoning permit shall not be required for minor repairs to existing buildings or structures.

1401.3 Abrogation and Greater Restrictions

This Article supersedes 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. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

1401.4 Warning and Disclaimer of Liability

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

1402 Administration

1402.1 Floodplain Administrator; Zoning Permits

- A. Floodplain Administrator - The Zoning Officer in Eaton Township and the Zoning Officer in Monroe Township are hereby appointed to administer and enforce this Article and are herein referred to as the Floodplain Administrator.
- B. Zoning Permits Required - Zoning permits shall be required in accord with §1201, §1202 and this Article before any construction or development is undertaken within any identified floodplain area.

1402.2 Duties and Responsibilities of the Floodplain Administrator

- A. Conformance - 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. State and Federal Laws - 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); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, §404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. Repetitive Loss - In the case of existing structures, prior to the issuance of a zoning permit the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. Inspections - 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. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

- E. Authority for Entry - 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 Article .
- F. Enforcement Action; Penalties and Remedies
1. 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 Supervisors for whatever action it considers necessary.
 2. All enforcement actions shall be undertaken in accord with §1216 - Violations and §1217 - Penalties and Remedies.
- G. Records - The Floodplain Administrator shall maintain all records associated with the requirements of this Article including, but not limited to, permitting, inspection and enforcement.
- H. Construction Codes - The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

1402.3 Application Procedures and Requirements

Applications shall be made in accord with §1202 of this Ordinance, and in addition to the information required by §1202.3, applications for any proposed construction or development located entirely or partially within any identified floodplain area shall include the following:

- A. Other Required Permits - Listing of other permits required.
- B. Proposed Work - Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
- C. Site Plan; Elevation Certificate
1. A plan of the site showing the exact size and location of the proposed construction, as well as, any existing buildings or structures.
 2. The Floodplain Administrator may require that the Applicant submit, at his or her expense, a Federal Emergency Management Agency Elevation Certificate, signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
- D. Flood Damage Minimization - 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 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 floatation, collapse, or lateral movement.

5. Building materials are flood-resistant.
 6. Appropriate practices that minimize flood damage have been used.
 7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- E. Contours - Topographic contour lines, if available.
- F. Water Features - 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.
- G. Improvements: Elevations - Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
1. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1988.
 2. The elevation of the base flood.
 3. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
 4. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 5. Detailed information concerning any proposed flood proofing measures and corresponding elevations.
- H. Certifications
1. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any AE Area/District (see §1403.2.B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 2. 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 elevation. 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.
- I. Dangerous materials - Detailed information needed to determine compliance with §1404.3.F Storage, and §1404.4, Development Which May Endanger Human Life, including:
1. The amount, location and purpose of any materials or substances referred to in §1404.3.F and §1404.4 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 §1404.4 during a one hundred (100) year flood.

1402.4 Review by County Conservation District

A copy of applications and plans for proposed construction or development in any identified floodplain area to be considered for approval shall be submitted to the County Conservation District for review and comment prior to the

issuance of a zoning permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

1402.5 Review of Application by Others

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.

1403 Identification of Floodplain Areas

1403.1 Identification

- A. Eaton Township - The identified floodplain area shall be any areas of Eaton Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 1, 1980, 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. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Eaton Township and declared to be a part of this Article.
- B. Monroe Township - The identified floodplain area shall be any areas of Monroe Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 3, 1990, 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. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Monroe Township and declared to be a part of this Article.

1403.2 Description and Special Requirements of Identified Floodplain Areas

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

A. Floodway Area/District

1. Description

- a. The area identified as Floodway in the FIS that represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.
- b. This term shall also include floodway areas that have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

2. Special Requirements

- a. Any encroachment that would cause any increase in flood heights shall be prohibited.
- b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. AE Area/District

1. Description - The areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the 1-percent-annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.

2. Special Requirements

- a. No new construction or development shall be located within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- b. In any AE Area/District without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

C. A Area/District

1. Description - The areas identified as Zone A in the FIS that are subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
2. Special Requirements
 - a. No new construction or development shall be located within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
 - b. When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area that is nearest the construction site in question.
 - c. 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 Township.

1403.3 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors 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 from the Federal Emergency Management Agency (FEMA). However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

1403.4 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 Zoning Hearing Board. The burden of proof shall be on the appellant.

1404 Technical Provisions

- A. Eaton Township - Any development in Eaton Township authorized by this Article shall comply with the technical provisions of this §1404 and all other applicable codes and ordinances.

- B. Monroe Township - Any development permitted in any identified floodplain area in Monroe Township by variance granted in accord with §1407 shall comply with the technical provisions of this §1404 and all other applicable codes and ordinances.

1404.1 General

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 municipality, and until all required permits or approvals have been first 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, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

- B. Data - Technical or scientific data shall be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.

- C. Compliance - 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 Article and any other applicable codes, ordinances and regulations.

1404.2 Elevation and Flood Proofing 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 §1403.2.C.2.b of this Article.
3. Fill shall not be used as a means or technique to elevate or support the lowest floor (including basement) of any structure to comply with this §1404.2.A in whole or in part.
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 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential 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 flood proofed 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 there are 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 flood proofed up to, or above, the regulatory flood elevation determined in accordance with §1403.2.C.2 b of this Article.
3. Fill shall not be used as a means or technique to elevate or support the lowest floor (including basement) of any structure to comply with this §1404.2.B in whole or in part.
4. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be flood proofed in accordance with the WI 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 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.
5. 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 401-405 as amended) shall be utilized.

C. Space Below the 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 flood waters 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 (2) 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 flood waters.

D. Accessory Structures - Structures accessory to a principal building need not be elevated or flood proofed 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. Floor area shall not exceed 600 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 flood waters.
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 or movement and shall be designed to automatically provide for the entry and exit of flood water 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 (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 flood waters.

1404.3 Design and Construction Standards

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

- A. Fill - Fill shall not be used as a means or technique to elevate or support the lowest floor (including basement) of any structure to comply with this Article in whole or in part.
- B. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure 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 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 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 #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, 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 (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 §1404.4, Development Which May Endanger Human Life, 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 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 (3) 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 flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination - The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.

1. International Building Code (IBC) 2009 or the latest edition thereof;
2. Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
3. International Residential Building Code (IRC) 2009 or the latest edition thereof;
4. Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

1404.4 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. 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,
3. 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. 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.

- B. Within any Floodway Area any structure of the kind described in Subsection A, above, shall be prohibited.
- C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the base flood elevation,
 2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

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 flood proofing 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.

- D. Setback - Within any floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.

1404.5 Special Requirements for Subdivisions

All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in flood hazard 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 or Letter of Map Revision. Submission requirements and processing fees shall be the responsibility of the applicant.

1404.6 Special Requirements for Manufactured Homes

- A. Prohibition - Within any Floodway Area/District manufactured homes shall be prohibited.
- B. Standards - Where permitted within any 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 one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood. (See §1404.2.)
 3. Anchored to resist flotation, collapse, or lateral movement.
- C. Installation Specifications - 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 shall apply and 34 PA Code Chapter 401-405.
- D. Construction Code - 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 unit(s) proposed installation.

1404.7 Special Requirements for Recreational Vehicles

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

- A. be on the site for fewer than 180 consecutive days,
- B. be fully licensed and ready for highway use, or
- C. meet the permit requirements for manufactured homes in §1404.6.

1405 Activities Prohibited in Identified Floodplain Areas

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

- 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.

1406 Existing Structures in Identified Floodplain Areas

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when any improvement is made to any existing structure located within any identified floodplain area, the following provisions shall apply.

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
- E. 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 Article.
- F. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the

2009 IRC.

1407. Variances

If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon written request in accord with §1207 of this Ordinance, grant relief from the strict application of the requirements. In addition to the requirements of §1207 the following shall apply:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. No variance shall be granted for the activities prohibited by §1405.
- D. 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 Which May Endanger Human Life (§1404.4).
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the 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 Article.
- G. Whenever a variance is granted, the Zoning Hearing Board 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 to life and property.
- H. 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:
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- I. A complete record of all variance requests and related actions shall be maintained by the appropriate Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

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.

1408 Definitions

In addition to the definitions included in Article III of this Ordinance, the following definitions shall apply to this Article. In cases where a definition appears in Article III and this §1408, the definition in this §1408 shall apply to this Article. Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

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. Base flood - a flood that has a one percent chance of being equaled or exceeded in any given year (also called the *100-year flood*).
3. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
4. Basement - any area of the building having its floor below ground level on all sides.
5. 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.
6. 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.
7. 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 a community.
8. 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).
9. Flood - a temporary inundation of normally dry land areas.
10. 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 community.
11. 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.
12. 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.
13. Flood proofing - 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.

14. 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.
15. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
16. Historic structures - any structure that is:
 - a. 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 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:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
17. 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 non-elevation design requirements of this Article.
18. 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 that are placed on a site for more than 180 consecutive days.
19. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
20. 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 exit way 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.
21. New construction - structures for which the start of construction commenced on or after May 1, 1980, in Eaton

Township and on or after July 3, 1990, in Monroe Township, and includes any subsequent improvements thereto.

22. 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 a community.
23. 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.
24. 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.
25. Regulatory flood elevation - the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.
26. Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.
27. 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.
28. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1-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.
29. 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 one hundred eighty (180) days from the date of the permit. 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/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.
30. Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

31. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two (2) 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
32. 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 fifty (50) percent or more of the market value of the structure before the damage occurred.
33. 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 that have incurred *substantial damage* or *repetitive loss* regardless of the actual repair work performed. The term does not, however include either:
- 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;
 - Any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
34. 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.
35. Violation - the failure of a structure or other development to be fully compliant with the Township's flood plain 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.

☛ **ITEM 3 - In the RA-E District, RA-M District and CI-E District, move *hydraulic fracturing water withdrawal facilities* from the list of principal permitted uses to the list of conditional uses.**

☛ **ITEM 4 - Add the following definition to §1102:**

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

☛ **ITEM 5 - Amend §1104.1.D (related to prohibited signs) to read as follows:**

D. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §1107.4 for fuel price signs), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital

or analogue, and flags as permitted by this Ordinance.

☛ **ITEM 6 - Amend §1105.3.B.2 to read as follows:**

2. Other Districts - In all other districts, temporary construction signs shall not thirty-two (32) exceed square feet in gross surface area for each exposed face.

☛ **ITEM 7 - Amend §1105.7.B to read as follows:**

- B. Area - Temporary contractor or subcontractor signs shall not exceed thirty-two (32) square feet for each exposed face.

☛ **ITEM 8 - Amend §1107.1 (related to individual business signs) to read as follows:**

A. Building Wall Signs

1. Number - There shall be not more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
2. Area - The surface area of a wall sign shall not exceed forty (40) square feet if the wall to which it is attached is less than two thousand (2,000) square feet in area. In cases where the wall is two thousand (2,000) square feet or more in area the wall sign shall not exceed an area of two (2) percent of the wall area up to a maximum of one hundred (100) square feet.
3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.

B. Freestanding Business Identification Signs - Freestanding business identifications signs shall be subject to the following:

1. Number - There shall not be more than one (1) freestanding business identification sign for each lot.
2. Area - The surface area of a freestanding business identification sign shall not exceed sixty (60) square feet in CI-E Districts and thirty-two (32) square feet in all other Districts.
3. Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
4. Height - A freestanding business identification sign shall not project higher than twenty (20) feet in CI-E Districts and fifteen (15) feet in all other Districts, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.

☛ **ITEM 9 - Amend §1107.2 (related to shopping center and multiple occupant business signs) to read as follows:**

A. Building Wall Signs

1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each

abutting street shall be permitted.

2. Area - The surface area of each wall sign shall not exceed forty (40) square feet.
 3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
 4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be.
- B. Freestanding Business Identification Signs - Freestanding business identifications signs may be ground signs or monument signs used solely for the identification of the development and shall be subject to the following:
1. Number - There shall not be more than one (1) freestanding business identification sign for each development.
 2. Area - The surface area of a freestanding business identification sign shall not exceed eighty (80) square feet in CI-E Districts and forty (40) square feet in other Districts.
 3. Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
 4. Height - A freestanding business identification sign shall not project higher than twenty (20) feet in CI-E Districts and fifteen (15) feet in all other Districts, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
 5. Individual Occupant Identification - The freestanding business identification sign shall not contain the name of any individual business occupant of the premises unless such tenant or occupant occupies thirty percent (30%) or more of the total development. Each freestanding business identification sign may include affixed directly to it a directory indicating only the names of the business occupants of the development in which the sign is to be located. The directory shall include the names of all business tenants/occupants on one sign and shall not be comprised of individual signs. The gross surface area of a directory sign shall not exceed twelve (12) square feet for each exposed face for each occupant in the development.

ITEM 10 - Add the following as §1107.4:

1107.4 Fuel Price Signs

Retail fuel sales establishments shall additionally be permitted one (1) sign with up to four (4) fuel prices attached to the business sign permitted in §1103.1. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. Such sign may be electronically controlled but the letters/numerals shall be static and shall not flash or move.

# of Products Advertised	Maximum Letter Height
1 or 2	24 inches
3	15 inches
4	12 inches

ITEM 11 - Amend § 858.3.A (related to windmill height) to read as follows:

- A. Windmill Height - The maximum height of the tower section of any windmill, which excludes the nacelle, rotor and blades, shall be one hundred (100) meters (328.1 feet) unless otherwise approved by the Township.

ITEM 12 – Amend §858.3.B.1 and §858.3.B.2 (related to setbacks for windmills) to read as follows:

1. Separate Parcel - If the parcel on which the wind farm is located is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied and the following shall apply:
 - a. No windmill shall be located closer to any property line than the height of its turbine tower (inclusive of the nacelle, rotor and blades) times 1.1, as measured from the center point of the foundation for the turbine tower.
 - b. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet from any property line.
 - c. The setbacks in §858.3.B.1.a and §858.3.B.1.b above may be reduced provided the Owner/Operator obtains a no-construction easement in form and content approved by the Township (solely with respect to the no-construction easement) the from the adjoining property owner which prohibits the construction of any buildings or structures within 1.1 times the height of the turbine tower (inclusive of the nacelle, rotor and blades) as measured from the surface center point of the foundation for the turbine tower.
2. Lease, License or Easement - If the land on which the wind farm is to be located is leased, or is used by license or easement the following shall apply:
 - a. No windmill shall be located closer to any property line of any landowner which has not entered into an agreement with the Owner/Operator for the development of wind farm facilities than the height of its turbine tower (inclusive of the nacelle, rotor and blades) times 1.1, as measured from the surface center point of the foundation for the turbine tower.
 - b. The setback in §858.3.B.2.a above may be reduced provided the Owner/Operator obtains a no-construction easement in form and content approved by the Township (solely with respect to the no-construction easement) from the adjoining property owner which prohibits the construction of any permanent buildings or structures intended for occupancy within 1.1 times the height of the turbine tower (inclusive of the nacelle, rotor and blades) as measured from the surface center point of the foundation for the turbine tower.
 - c. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet from the line of the lease, license or easement.

ITEM 13 - Amend § 701.6 (related to noise) to read as follows:

701.6 Noise

A. Definitions:

1. A-weighted Noise Level (dBA) - A measure of sound pressure in decibels with the sound pressure scale adjusted to conform with the frequency response of the human ear. A sound level meter that measures A-weighted decibels, designated as dBA, has an electrical circuit that allows the meter to have the same sensitivity to sound at different frequencies as the average human ear (2007, Australian Academy of Science).
2. Equivalent Noise Level (Leq) - The dBA level of a steady state sound which has the same dBA weighted sound energy as that contained in the actual time-varying sound being measured over a specific time period (2003, Eilar Associates, Encinitas, CA).

3. Ambient Noise Level - The average A-weighted Noise Level (Leq) at any specified point which is representative of the noise level of that environment over an extended period of time. It is a composite of all sounds from sources, both near and far.
4. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity (e.g., a wind farm), that produces noise as a consequence of its operation. A collection of equipment may not necessarily be connected or related, if they may be operated simultaneously.
5. Suspect Source - A Noise Source that may be in violation of this chapter, identified by the nature of sounds or a correlation with the times of operation and the alleged violation.

B. Limits

1. Ambient Noise Level Threshold

- a. No Noise Source shall produce an A-Weighted Noise Level at any point in the Township outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of ten (10) dBA above the Ambient Noise Level.
- b. An increase in excess of ten (10) dBA shall be permitted provided the owner/operator of the Noise Source acquires a noise easement in form and content approved by the Township (solely with respect to the noise easement) from the affected property owner which establishes the maximum increase. However no increase shall be permitted for properties separated by any public road right of way and in no case shall the maximum noise level exceed the level established by §701.6.B.3.

2. Ambient Noise Level - For projects being developed, the Ambient Noise Level for the entire project may be established prior to construction of such project for the duration of construction and operation of such project by measuring the noise level near the boundaries of the property on which the project is to be constructed in accordance with §701.6.C below for a continuous two (2)-week period no more than two (2) years prior to the start of construction of such project.

3. Maximum Noise Level - Notwithstanding any of the foregoing provisions of this §701.6.B, in no event shall a Noise Source produce an A-Weighted Noise Level outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of the limits established in the following Maximum Sound Levels Table:

Maximum Sound Levels					
Period	Receiving Land Limits (dBA)				
	Existing Dwelling	Zoning District			
		R-E R-M	RA-E RA-M SR-E	VC-E VC-M	CI-E
Monday-Saturday, 7:00 a.m. - 9:00 p.m.	60	60	60	65	70

Maximum Sound Levels					
Saturday, 9:00 p.m.- Monday, 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m.	50	50	55	60	70

C. Measurements

1. Type and Certification - All noise level measurements shall be made using a sound level meter meeting American National Standard Specification for Sound Level Meters (ANSI S1.4-1983 (R2001)/ANSI S1.4A-1985 or the current revision of that standard) for Type 1 instruments. The instrument shall have been laboratory re-certified according to the manufacturer's directions within the periodicity required by the manufacturer (usually 1- or 2-year interval) prior to the measurements.
2. Methods - All measurements shall be taken using the FAST response time and A-weighting.
3. Field Calibration - A field calibration check, using a certified field calibrator, shall be performed at the beginning and end of the measurement period and reported with the other data.
4. Proposed Projects
 - a. For projects establishing an Ambient Noise Level for the project prior to the approval of such project, the average A-weighted Noise Level (Leq) shall be measured at multiple points near the outside boundaries of the property on which the project is to be constructed for a continuous two-week period no more than one (1) year to the start of construction of such project.
 - b. Measurements should be attempted to be performed near outside boundaries which are closest in proximity to where the Noise Source will be located and/or where noise is reasonably expected to be the loudest.
 - c. The measurements must be made by an independent professional using the commonly-accepted measurement procedures specified in ANSI/ASA S1.13-2005 (R2010) standard "American National Standard Methods for the Measurement of Sound Pressure Levels In Air".

D. Investigation of Complaints

1. Initial Determination
 - a. In the event a complaint is received regarding a Suspect Source, the Zoning Officer shall first determine that the complaint is valid by visiting the site of the complaint and the site of the Suspect Source.
 - b. If the nature of the sound at the site of the complaint is not similar to the nature of the sound produced by the Suspect Source, and if the subjective noise levels do not correlate with the operation of the Suspect Source, then the Zoning Officer shall file a report noting those observations, and shall notify the complainant and the owner/operator of the Suspect Source that the complaint has not been validated.
2. Test Date
 - a. If, by the nature of the sound, or correlation with the operation of the Suspect Source, the Zoning Officer determines a complaint to potentially be valid, the Zoning Officer shall arrange a date and time with the complainant and the owner/operator of the Suspect Source to conduct a test.
 - b. The test should be close to the time of day and day of week of the complaint, but shall not represent an

unreasonable burden on the complainant or the owner/operator of the Suspect Source.

3. Background Noise Level

- a. The Zoning Officer shall conduct an average background A-weighted Noise Level measurement before and after the operation of the Suspect Source using commonly-accepted measurement equipment and standards; provided that at the election of the owner/operator, the owner/operator may engage an independent professional to conduct such measurements mutually agreed to by the Township, at the cost of the owner/operator.
- b. At the direction of the Zoning Officer, the owner/operator of the Suspect Source shall operate the equipment according to normal operating procedures according to design limits, or the maximum approved limits of the conditional use approval, whichever is lower, for the duration of the test.
- c. The owner/operator may be required to operate the equipment in any mode or for any use that the equipment is normally or occasionally used. The owner/operator shall not be required to operate the equipment in any manner inconsistent with the design or normal use, nor in any unsafe manner.

4. Average Background A-weighted Noise Level

- a. An average background A-weighted Noise Level shall be measured without the Suspect Source in operation. The atmospheric conditions at the time of measurement shall be as near the atmospheric conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.).
- b. Background activities shall be representative of those expected in the environment for the time of day and day of the week.
- c. Measurements of the average background A-weighted Noise Level shall be made for the length of time the Suspect Source will be in operation, but need not be any longer than fifteen (15) minutes. If manual measurements are being taken, the measurements shall be recorded every fifteen (15) seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

5. Measurements

- a. Measurements of the average A-weighted Noise Level (L_{eq}) with the Suspect Source in operation shall be conducted as soon as possible after obtaining the background noise level measurements without the Suspect Source in operation and shall be made for the length of time the source will normally be in operation, but in any case shall not be less than five (5) minutes and need not be any longer than 15 minutes.
- b. If manual measurements are being taken, the measurements shall be recorded every fifteen (15) seconds. If an automatic recording device is being used, the recording interval shall be one (1) second, or the closest fixed or variable interval allowed by the meter and recording equipment.
- c. The equation for deducing the A-weighted Noise Level (L_{eq}) being produced by the Suspect Source (L_s) shall be as set forth below where L_1 equals the measured average A-weighted Noise Level (L_{eq}) of the background without the Suspect Source in operation and L_2 equals the measured average A-weighted Noise Level (L_{eq}) of the background with the Suspect Source in operation. Basically, L_s equals L_2 minus L_1 as shown in log notation below which is the basis for decibel calculations.

not

$$L_s = 10 \log_{10} \left(10^{\frac{L_2}{10}} - 10^{\frac{L_1}{10}} \right)$$

E. Report - After completion of the background noise level measurements before and after the operation of the Suspect Source, the report of the Zoning Officer (or the independent professional, if engaged by the owner/operator of the Suspect Source) shall include:

1. The instrument manufacturer, model, type, serial number, and laboratory re-certification date of the sound level meter and the field calibrator.
2. The level of the field calibration after making any adjustment of the sound level meter.
3. The location of the noise level measurements, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
4. The location of the Suspect Source by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
5. A description of the Suspect Source in operation, sufficient to allow someone to recreate the conditions of the test.
6. The weather conditions at the time of measurement, including temperature, relative humidity, wind speed and direction, cloud cover, and an impression of the temperature gradient.
7. The time at which noise level measurements were started and stopped.
8. The time at which the operation of the Suspect Source was started and stopped, and when measurements were started and stopped.
9. For manual measurements:
 - a. a table of lines and sound levels as reported on the meter
 - b. the calculated A-weighted Noise Level for each set of measurements
10. For automatic measurements:
 - a. a notation of the time the instrument was started and the time stopped
 - b. the reported A-weighted Noise Level
 - c. if the instrument can report each data point, an electronic form of the data, including each measurement time and level, and a description of the data format shall be retained as a supplement to the report
 - d. a calibration mark using the field calibrator
11. A list of witnesses or other persons present during the measurements.
12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.

F. Studies for Proposed Use - Applicants for a specific proposed use shall be required to demonstrate that the

permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, alter or transform the pipeline product. The facility may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the pipeline. The definition excludes pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product.

ITEM 16 - Delete *natural gas compressor stations* from the list of conditional uses in the following districts and add *pipeline compressor stations, metering stations or operation/maintenance facilities* to the list of conditional uses in the following districts:

- RA-E District
- RA-M District
- CI-E District

ITEM 17 - Amend §827 to read as follows:

827. Pipeline Compressor Stations, Metering Stations or Operation/Maintenance Facilities

Pipeline compressor stations, metering stations or operation/maintenance facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §827 shall apply.

827.1. Standards

The facilities shall comply with the following requirements:

A. **Building Noise** - All compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §701.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.

B. **Setbacks and Buffers**

1. **Facilities** - The following setbacks and buffers shall be applied to any facilities used to compress, decompress, process, heat, alter or transform the pipeline product:

a. **Setbacks** - The following setbacks shall be maintained:

- (1) **Property Lines, Road rights-of-Way** - Two hundred (200) feet to adjoining properties and public road rights-of-way.
- (2) **Residential Structures** - Three hundred (300) feet to any existing residential structure not located on the project parcel.
- (3) **Water Bodies** - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

b. **Buffer**

- (1) An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property

lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

- (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
- (3) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- (4) It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

2. Other Components - Pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product shall not be less than twenty-five (25) feet from any adjoining property line not subject to the right-of-way.

C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

827.2 Local, State and Federal Regulations

All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

827.3 Informational Requirements

The applicant shall provide the information required by this §827.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1108.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §827, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.

827.4 Reporting Requirements

For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court

of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

EATON ADOPTION

This Ordinance ordained and enacted this 30th Day of August, 2011, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.

Randi Allen
Chairman

Monte White
Vice-Chairman

[Signature]
Supervisor

ATTEST: [Signature] Township Secretary

MONROE ADOPTION

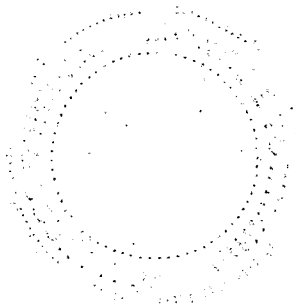
This Ordinance ordained and enacted this 30th Day of August, 2011, by the Board of Supervisors of ~~Eaton~~ ^{Monroe} Township, Wyoming County, Pennsylvania, to be effective immediately.

William Cotta
Chairman

Dak Wright
Vice-Chairman

Watts Terhune
Supervisor

ATTEST: [Signature] Township Secretary



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