

**UPPER MAKEFIELD TOWNSHIP  
ORDINANCE NO. 314**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
UPPER MAKEFIELD TOWNSHIP AMENDING THE  
TOWNSHIP FLOODPLAIN ORDINANCE TO REQUIRE  
PERMITS FOR MINOR REPAIRS AND TO MANDATE  
THAT NO VARIANCES SHALL BE GRANTED FROM  
CERTAIN REQUIREMENTS OF THE FLOODPLAIN  
ORDINANCE,**

**ARTICLE I. STATUTORY AUTHORIZATION**

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.

**ARTICLE II. PREAMBLE**

On February 17, 2016, the Board of Supervisors of Upper Makefield Township enacted Ordinance 305 setting forth minimum requirements for new construction and development with areas of Upper Makefield Township which were subject to flooding. In order to remain compliant with the directives of the Federal Emergency Management Agency and the Commonwealth of Pennsylvania, certain amendments to Ordinance 305 are necessary and appropriate. Therefore, the Board of Supervisors of Upper Makefield Township does hereby enact the following:

**ARTICLE III. AMENDMENTS TO ORDINANCE 305**

Ordinance 305 is hereby amended as follows:

A. Section 2.02B (exempting minor repairs from the permit requirements) is hereby deleted.

B. Section 503.A is hereby amended to read as follows:

A. Within any identified Floodplain Area, the use of fill shall be prohibited. No variance shall be granted.

C. Section 5.04 is hereby amended to read as follows:

5.04            Development Which May Endanger Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited. No variance shall be granted.

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 listed below on the premises; or
2. Will be used for any activity requiring the maintenance of a supply of more than 300 gallons, or other comparable volume, of any of the following dangerous materials or substances listed below on the premises; or,
3. Will involve the production, storage, or use of any amount of radioactive substances:  
shall be prohibited:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated

D. Section 5.07 is hereby amended to read as follows:

5.07 Special Requirements for Recreational Vehicles

The storage of recreational vehicles shall be prohibited within any Identified Floodplain Area. No variance shall be granted.

E. Section 8.02.C is hereby amended to read as follows:

C. No variance shall be granted for any of the requirements pertaining specifically

to Prohibited Uses/Activities (Article VI), Recreational Vehicles (Section 5.07),  
Fill (Section 5.03A), or to Development Which May Endanger Human Life  
(Section 5.04).

F. Section 9.01.27 (definition of Minor Repair) is hereby deleted.

G. All other provisions of Ordinance 305 shall remain in full force and effect.


**ARTICLE IV. EFFECTIVE DATE**

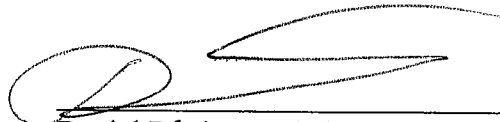
This Ordinance shall become effective five days after enactment.

**ENACTED AND ADOPTED** by the Board of Supervisors of Upper Makefield Township this  
**21<sup>st</sup> day of March, 2017.**

**ATTEST:**

**UPPER MAKEFIELD TOWNSHIP  
BOARD OF SUPERVISORS**

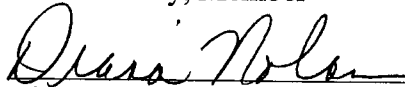
  
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David R. Nyman, Township Manager,  
Assistant

  
\_\_\_\_\_  
Daniel Rattigan, Chairman

  
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Thomas F. Cino, Vice Chairman

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Mary Ryan, Member

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Mike Tierney, Member

  
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Diana Nolan, Member