

**PERKASIE BOROUGH
ORDINANCE NO. 985**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS COUNTY,
PENNSYLVANIA, AMENDING THE PERKASIE BOROUGH CODE OF ORDINANCES
AND ZONING ORDINANCE AT CHAPTER 186 TO COMPORT WITH UPDATED
FLOODPLAIN ORDINANCE**

WHEREAS, the Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, Borough Council deems it to be in the best interest and general welfare of the residents of the Borough to amend its Zoning Ordinance to comply with the requirements of the Flood Plain Management Act of 1978 and recent regulatory developments; and

WHEREAS, the Borough Council has met and will meet the procedural requirements of the Borough Code and any other laws pertaining to this Ordinance for the adoption of the proposed Ordinance, including any required reviews, advertising, and holding a public hearing; and

WHEREAS, Borough Council after due consideration of the proposed Ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by the amendment of the Code of Ordinances as outline herein below.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The Perkasia Borough Zoning Ordinance is hereby amended as follows:

A. The following definitions are removed from, replaced with, or redefined in the definition section of the Borough Zoning Ordinance at § 186-5:

1. "Flood Elevation" removed entirely;
2. "Flood Fringe" removed entirely;
3. "Flood Line" removed entirely;
4. "100-Year Flood" removed entirely;
5. "Regulatory Flood" removed entirely;
6. "Flood Way" removed entirely;
7. "Flood Way Line" removed entirely;
8. "Floodplain Soils" is replaced with "Soils on Floodplain" (throughout Chapter 186, specifically section 56.B(1) and 57.B and any and all other references within Chapter 186);
9. "Floodplain" is redefined as follows: "Floodplain (area or district) - 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."

B. Section 186-10 is revised to reference the new FEMA Floodplain Maps with an effective date of March 16, 2015. "Flood Boundary and Floodway Map; Flood Profiles" is replaced with "Floodplain District" and is defined as follows:

The boundaries of the Floodplain (Floodplain district) are any areas of Perkasio, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 16, 2015 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.

C. Section 186-11.B. is removed as conflicting with the new Floodplain Ordinance.

D. Section 186-20.K Floodplain District is hereby deleted and replaced with the following:

The purpose of this District is to prevent the loss of property and life, to prevent the creation of health and safety hazards, to prevent the disruption of commerce and governmental services and to render unnecessary the

expenditure of public funds for flood relief and to prevent the impairment of the tax base by regulating land uses in the 100-year flood plain. The Flood District is a special zone which overlies and supercedes rights granted by any provision of Chapter 186. Refer to Chapter 94, Floodplain Management, in the Code of the Borough of Perkasio.

SECTION 2. All Ordinances or parts of Ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all Ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby. The Borough shall also proceed to amend its Comprehensive Plan to reflect this particular change, if necessary.

SECTION 3. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.


SECTION 6. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 7. Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101 *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio this.

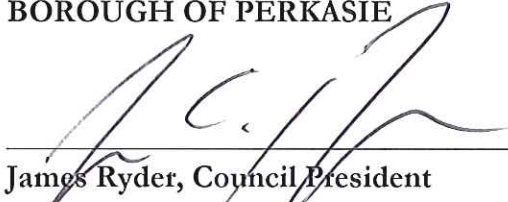
Approved by the Borough Council of the Borough of Perkasio, this 16th day of March, 2015.

Attest:

BOROUGH OF PERKASIE




Andrea L. Coaxum, Secretary



James Ryder, Council President

Examined and approved this 16th day of

March

2015.

John Hollenbach, Mayor