

CHAPTER 7
FLOODPLAINS
ARTICLE 1
FLOODPLAIN AREA

§ 7-11. Purpose

The purpose of this Article is to set forth certain minimum requirements for new construction and development within areas of the Township of Oakland, Butler County which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with the requirements or provisions of this Article.

§ 7-12. General

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 area, or that land use permitted within such areas will be free from flooding or flood damages.

This Article shall not create liability on the part of Oakland Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Ord. No. 1-1985, 3/4/85

§ 7-13. Definitions

- A. General:** Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

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B. Specific Definitions:

- 1. Building:** A combination of materials which forms a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- 2. Construction:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- 3. Development:** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, the

- placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
4. **Flood:** A temporary inundation of normally dry land areas.
 5. **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.
 6. **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.
 7. **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 exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
 8. **Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.
 9. **Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.
 10. **Obstruction:** Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or floodprone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
 11. **One Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one percent [1%] chance of occurring each year, although the flood may occur in any year).

12. **Regulatory Flood Elevation:** The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half feet (1-1/2’).
13. **Special Permit:** A special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of, a floodplain.
14. **Structure:** Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes, and other similar items.
15. **Subdivision:** The division or redivision 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, transfer of ownership or building or lot development.

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§ 7-14. Identification

The identified floodplain area shall be any area of Oakland Township subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Hazard Boundary Map as issued by the Federal Emergency Management Agency (FEMA), or on the most recent Flood Insurance Rate Map (FIRM) issued by FEMA, if such a map has been prepared for the Township.

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- C. Determination of the One Hundred (100) Year Flood Elevation:** For the purposes of this Article, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one hundred (100) year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:
1. Corps of Engineers - Floodplain Information Reports
 2. U.S. Geological Survey - Floodprone Quadrangles
 3. U.S.D.A, Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566, Flood Information.
 4. Pennsylvania Department of Environmental Protection - Flood Control Investigations.
 5. Known Highwater Marks from Past Floods.

6. Other sources: In lieu of the above, the Township 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 engineering practices. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township's Engineer.

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- D. 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 Insurance Administration (FIA).

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- E. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the applicant.

Ord. No. 1-1985, 3/4/85

§ 7-15. General Technical Requirements

F. General:

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.
2. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty feet (50') landward from the top-of-bank of any watercourse, unless a Water Obstruction and Encroachment permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.
3. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one-half feet (1-1/2') or more above the one hundred (100) year flood elevation or be floodproofed up to that height.
4. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential

structure shall be one and one-half feet (1-1/2') or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this Section. Additional information may be obtained from the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1992).

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G. Design and Construction Standards: The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

1. Fill: If fill is used, it shall

- a. Extend laterally at least fifteen feet (15') beyond the building line from all points;
- b. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes, are submitted to and approved by the Building Permit Officer; and
- e. Be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of stormwater 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.

3. Water and Sanitary Sewer Facilities and Systems:

- f. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- g. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- h. 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. **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.
5. **Streets:** The finished elevation of all new streets shall be no more than one foot (1') below the Regulatory Flood Elevation.
6. **Storage:** All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
7. **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.
8. **Anchoring:**
 - i. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - j. 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.
9. **Floors, Walls and Ceilings:**
 - k. 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.
 - l. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 - m. 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.
 - n. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.
10. **Paints and Adhesives:**
 - o. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

- p. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
- q. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.

11. Electrical Components:

- r. Electrical distribution panels shall be at least three feet (3') above the one-hundred (100) year flood elevation.
- s. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment: Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13. 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.

Ord. No. 1-1985, 3/4/85

C. Development Which May Endanger Human Life:

- 2. In accordance with the Pennsylvania Floodplain 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:
 - a. will be used for the production or storage of any of the following dangerous materials or substances; or,
 - b. will be used for any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
 - c. will involve the production, storage, or use of any amount of radioactive substances;
 - d. 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:
 - i) Acetone
 - ii) Ammonia
 - iii) Benzene

- iv) Calcium Carbide
- v) Carbon disulfide
- vi) Celluloid
- vii) Chlorine
- viii) Hydrochloric acid
- ix) Hydrocyanic acid
- x) Magnesium
- xi) Nitric acid and oxides of nitrogen
- xii) Petroleum products (gasoline, fuel oil, etc.)
- xiii) Phosphorus
- xiv) Potassium
- xv) Sodium
- xvi) Sulphur and sulphur products
- xvii) Pesticides (including insecticides, fungicides and rodenticides)
- xviii) Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.

3. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above shall be:

- e. Elevated or designed and constructed to remain completely dry up to at least one and one-half feet (1-1/2') above the one hundred (100) year flood, and
- f. 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 1992), or with some other equivalent watertight standard.

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D. Special Requirements for Mobile Homes

1. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.
2. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:
 - a. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes, including Mobile Home Park Requirements (NFPA No. 501A-1974, ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
 - i) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less than fifty feet (50') in length.
 - ii) Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and four (4) additional ties per side for units less than fifty feet (50') in length.
 - iii) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - b. Elevated in accordance with the following requirements:
 - iv) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one half feet (1-1/2') or more above the elevation of the one hundred (100) year flood.
 - v) Adequate surface drainage is provided.
 - vi) Adequate access for a hauler is provided.
 - vii) Where pilings are used for elevation, the lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet (10') apart, reinforcement shall be provided for pilings that will extend for six feet (6') or more above the ground level.
 - c. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

§ 7-16. Activities Requiring Special Permits

- B. General: In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by Oakland Township.
1. 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:
 - a. Hospitals
 - b. Nursing Homes
 - c. Jails or prisons
 2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

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- C. **Application Requirements for Special Permits:** Applicants for Special Permits shall provide five (5) copies of the following:
1. A written request including a completed Building Permit Application Form.
 2. A small scale map showing the vicinity in which the proposed site is located.
 3. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:
 - a. North arrow, scale and title;
 - b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet (2');
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

- f. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - g. The location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. Any other information which the Township considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 - d. Detailed information concerning any proposed flood-proofing measures;
 - e. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - f. Profile drawings for all proposed streets, drives, and vehicular accessways including existing proposed grades; and
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
 - a. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. Certification from a registered Professional Engineer, Architect, or Landscape Architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
 - c. A statement, certified by a registered Professional Engineer, Architect, Landscape Architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a

statement concerning the effects such pollution may have on human life;

- d. A statement certified by a registered Professional Engineer, Architect, or Landscape Architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
- e. A statement, certified by a registered Professional Engineer, Architect, or Landscape Architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
- f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
- g. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- i. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

Ord. No. 1-1985, 3/4/85

- A. Application Review Procedures: Upon receipt of an application for a Special Permit by the Township the following procedures shall apply in addition to the building permit requirements identified in Chapter 3, Article 1, Section 3-104.
 1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendation. Copies of the application shall also be forwarded to the Oakland Township Planning Commission and the Oakland Township Engineer for review and comment.
 2. If an application is received that is incomplete, the Township shall notify the applicant, in writing, stating in what respect the application is deficient.
 3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
6. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

Ord. No. 1-1985, 3/4/85

B. Special Technical Requirements:

1. In addition to the requirements of Section 105 of this Article, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 105 of this Article or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
2. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - i) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 - ii) The lowest floor elevation will be at least one and one half feet (1 1/2') above the one hundred (100) year flood elevation.
 - iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All 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 Oakland Township and the Department of Community and Economic Development.

Ord. No. 1-1985, 3/4/85

§ 7-17. Existing Structures in Identified Floodplain Areas:

Structures existing in any identified floodplain area prior to the enactment of this Article may continue to remain, provided that:

- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) 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.

Ord. No. 1-1985, 3/4/85

§ 7-18. Exceptions

- D. If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, Oakland Township may, upon request, grant relief from the strict application of the requirements.

Ord. No. 1-1985, 3/4/85

E. Exception Procedures and Conditions: Requests for exceptions shall be considered by the Township in accordance with the following procedures:

1. No exception shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 7-106 A) or to Development Which May Endanger Human Life.
2. If granted, an exception shall involve only the least modification necessary to provide relief.
3. In granting any exception, Oakland Township 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.

4. Whenever an exception is granted, the Township shall notify the applicant in writing that:
 - a. The granting of the exception may result in increased premium rates for flood insurance.
 - b. Such exceptions may increase the risks to life and property.
5. In reviewing any request for an exception, the Township shall consider, at a minimum, the following:
 - a. That there is good and sufficient cause.
 - b. That failure to grant the exception would result in exceptional hardship to the applicant.
 - c. That the granting of the exception will:
 - i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
 - ii) create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
6. A complete record of all exception requests and related actions shall be maintained by Oakland Township. In addition, a report of all exemptions granted during the year shall be included in the annual report to the Federal Insurance Administration.

Ord. No. 1-1985, 3/4/85

C. 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.

Ord. No. 1-1985, 3/4/85