

TOWNSHIP OF CASCADE

ORDINANCE No. 15

AN ORDINANCE OF THE TOWNSHIP OF CASCADE,
LYCOMING COUNTY, PENNSYLVANIA AMENDING CASCADE
TOWNSHIP ORDINANCE NO. IX TO RESCIND THE
PROVISIONS REGARDING FLOODPLAIN MANAGEMENT
CONTAINED THEREIN AND AMEND THE ENFORCEMENT
PROVISIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of Cascade Township, Lycoming County, Pennsylvania ("Township") and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION I: AUTHORITY: This Ordinance is enacted pursuant to the authority granted to the Supervisors of Cascade Township as set forth in §1601 of the Second Class Township Code.

SECTION II: PURPOSE: The purpose of this amendment to Township Ordinance No. IX is to remove all provisions regarding floodplain management so that the County floodplain management provisions provided in the County Zoning Ordinance which has been adopted by the Township will apply in the Township for the protection, benefit, and preservation of the health, safety and welfare of the general public, including, but not limited to, the residents of Cascade Township. This Ordinance is further adopted to ensure compliance with the National Flood Insurance program standards, the Pennsylvania Floodplain Management Act, and the Second Class Township Code.

SECTION III: INCORPORATION OF THE EXISTING PROVISION: Except as set forth below, the provisions of Cascade Township Ordinance No. IX are incorporated herein and made a part hereof as though set forth in full.

SECTION IV: AMENDMENT: The Cascade Township Ordinance No. IX is amended as follows:

- A. Subsection B of §1.00-Statement of Intent is hereby deleted in its entirety.
- B. Subsection D of §1.00-Statement of Intent is hereby amended to read as follows:

"reduce financial burdens imposed on the Community, its governmental units, and its residents."
- C. Section 1.02-Abrogation and Greater Restrictions is hereby deleted in its entirety.
- D. Section 1.04-Municipal Liability is hereby deleted in its entirety.
- E. Section 2.00-Floodplain Area Provisions is hereby deleted in its entirety.
- F. Subsection A of §2.03-Other Permit Issuance Requirements is hereby deleted in its entirety.
- G. Section 2.09-Enforcement in its entirety is hereby amended as follows:
 - A. Whenever the Building Official or other authorized representative of the Township determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, the Township, through its authorized agent shall issue a written notice to be served upon the owner by making personal delivery of the notice to the owner, by handing a copy of the notice at the residence of the owner to an adult member of the family, with which the owner resides, by mailing a copy of the notice to the last known address of the owner by certified mail or, if the owners whereabouts or identity are unknown, by posting the notice conspicuously upon the offending premises. Said notice shall specify the nature of the violation and shall allow a reasonable time for the performance of any act necessary to resolve said violation and to affect compliance with the provisions of this Ordinance within thirty (30) days of the service of the said notice.

- B. Enforcement of this Ordinance shall be by action brought before a District Justice in the same manner provided for the enforcement of Summary Offenses under the Pennsylvania Rules of Criminal Procedure. The Municipal Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.C.P. 83(c) relating to trial in summary cases.
- C. The penalty for violation of this Ordinance is a fine of not more than \$1,000.00 and nor less than \$50.00 plus the cost of prosecution, or imprisonment for a period of time not exceeding thirty (30) days or both.
- H. Section 2.10-Appeal is deleted in its entirety.
- I. Article III-Existing Structures in Identified Flood-Prone Areas, is deleted in its entirety.
- J. Article IV-Variances, is hereby deleted in its entirety.
- K. Section 5.01-Specific Definitions is deleted in its entirety.
- L. Subsection E of \$5.01-Specific Definitions is deleted in its entirety.
- M. Subsection G of \$5.01-Specific Definitions is deleted in its entirety.

SECTION V: REPEALER: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VI: SEVERABILITY: If any sentence, clause, section or part of this Ordinance is for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect nor impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Cascade Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid