

**NO. 749**

**AN ORDINANCE OF THE BOROUGH OF DARBY  
AMENDING CHAPTER 77 OF THE CODE OF  
THE BOROUGH OF DARBY, AS HAS BEEN  
AMENDED FROM TIME TO TIME, TO COMPLY  
WITH NATIONAL FLOOD INSURANCE  
PROGRAM AND PENNSYLVANIA ACT 166  
REQUIREMENTS.**

**WHEREAS**, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

**WHEREAS**, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

**WHEREAS**, THE Borough of Darby has adopted a codification of its Ordinances and contained therein is Chapter 77, which relates to building in the floodplain, and has been amended from time to time since its initial adoption, the most recent of which being March 6, 2002; and,.

**WHEREAS**, the Borough desires to amend the Code of the Borough of Darby and related Ordinances in compliance with the National Flood Insurance Program and Pennsylvania Act 166, and,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Darby that:

**SECTION I:** Chapter 77 of the Code of the Borough of Darby and related Ordinances are amended as follows:

- A. All references to the Federal Insurance Administration shall be changed to the Federal emergency Management Agency.
- B. All references to the National Geodetic Vertical Datum of 1929 shall be changed to the North American Vertical Datum of 1988.

- C. Section 3.00 is deleted and, as amended, shall read as follows:  
The identified floodplain area shall be any areas of Darby Borough, subject to one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) effective November 18, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.
- D. Section 8.01, No. 18, is deleted and, as amended, shall read as follows:  
18. New Construction – structures for which the start of construction commenced on or after July 18, 1977, and indicates any subsequent improvements thereto.

**SECTION II:** This Ordinance is enacted under the authority of the laws of the Commonwealth of Pennsylvania and shall take effect immediately and hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

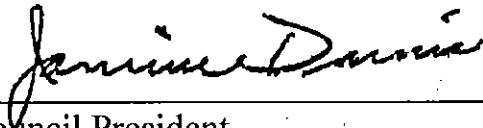
**SECTION III:** Borough officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

**SECTION IV:** All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

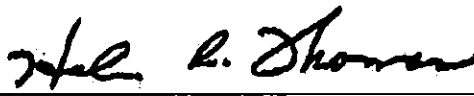
**SECTION V:** The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

**SECTION VI:** This Ordinance shall be effective beginning November 18, 2009.

**ENACTED** this 21st day of October, 2009, after publication in a newspaper of general circulation and a motion to approve passed by the Council of the Borough of Darby.

  
\_\_\_\_\_  
Council President,  
Borough of Darby.

**APPROVED**, this 21<sup>st</sup> day of October, 2009

  
\_\_\_\_\_  
Mayor, Borough of Darby

ATTEST:

  
\_\_\_\_\_  
Secretary, Borough of Darby.