

FLOOD HAZARD BUILDING CONTROL ORDINANCE

ORDINANCE NO. 153

SECTION I TITLE

The title of this ordinance shall be the Flood Hazard Building Control Ordinance.

SECTION II SCOPE

Whereas, the Village of Augusta wishes to establish eligibility in the National Flood Insurance program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration regulations.

Now, THEREFORE, the areas of special flood hazard identified by the Federal Insurance administration in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Augusta", dated March 15, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Augusta Village Hall.

SECTION III PERMIT REQUIREMENTS

No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change. No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person.

SECTION IV APPLICATION

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person, along with a fee of \$5.00 before issuance of a permit will be considered.

SECTION V REVIEW OF APPLICATION

The Village Planning Commission, hereinafter referred to as the Board is appointed as the designated responsible person for receiving applications and examining the plans and specifications for the proposed construction and development. After reviewing the application, the Board shall require any additional measures which are necessary to meet the minimum requirements of this document.

SECTION VI

The Board shall review proposed development to assure that all necessary permits have been received from these governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33U.S.C. 1334.

SECTION VII

The Board shall review all permit applications to determine whether proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

1. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
2. be constructed with materials and utility equipment resistant to flood damage; and
3. be constructed by methods and practices that minimize flood damage.

SECTION VIII

The Board shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other new development is in a flood-prone area, and such proposals shall be reviewed to assure that:

1. all such proposals are consistent with the need to minimize flood damage within the flood-prone area;
2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. adequate drainage is provided to reduce exposure to flood hazards.

SECTION IX

The Board shall require within flood-prone areas new and replacement water systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

SECTION X

The Board shall require within flood-prone areas:

1. new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters, and
2. on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

SECTION XI

The Board shall require that all subdivision proposals and other proposed new developments include with such proposals base flood elevation data.

SECTION XII

The Board shall obtain, review and reasonably utilize and base flood elevation data available from a Federal, State or other source until such other data has been provided by the Administrator, as criteria for requiring that:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level, and
2. All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.
3. To be certified be a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section XIII.

SECTION XIII

For the purpose of the determination of applicable flood insurance risk within Zone A of the Village of Augusta's Flood Hazard Boundary Map, the Board shall:

1. obtain or require the Applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;
2. Obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and maintain the floodproofing certifications required in Section XII; and
3. Maintain a record of all such information.

SECTION XIV

The Board shall notify, in reverine situations, adjacent communities and the State Coordinating Office prior to and alteration or relocation of a water-Course, and submit copies of such notifications to the Federal Insurance

SECTION XV

The Board Shall assure that the flood carrying capacity with the altered or relocated portion of any watercourse is maintained.

SECTION XVI

The Board shall require that all mobile homes to be placed within Zone A of the Village's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse or lateral movement by providing over-the top and frame ties to ground anchors.

Specific requirements shall be that:

1. over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, excepting that mobile homes less than 50 feet in length shall be required to have only one additional tie per side;
2. frame ties be provided at each corner of the home with five additional per side at intermediate points, excepting that mobile homes less than 50 feet inlength shall be required to have only four additional ties per side;
3. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
4. any additions to the mobile home be similarly anchored.

SECTION XVII

This section shall be in accordance with Augusta Zoning Ordinance #139 section 8.9.

SECTION XVIII

Unless specifically defined below, words or phases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application:

1. Base Flood means the flood having a one per-cent chance of being equalled or exceeded in any given year.
 2. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures mining, dredging, filling, grading, paving, excavating or drilling operations.
 3. Flood means a general and temporary condition of partial or complete inundation of normally dry lands from:
 - a. the overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
 4. Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flood).
 5. Floodproofing means any combination of structural and non-structural 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.
 6. Habitable Floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
 7. Mobile Home means any structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but is not limited to the definition of "Mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a)).
 8. Person includes any individual or group of individuals, corporation, partnership, association, or other entity, including State and Local governments and agencies.
 9. Rivering means relating to, formed by, or resembling a river (including tributaries), streams, brook, etc.
 10. Structure means, for flood plain management purposes, a walled and roofed building, including a gas of liquid storage tank, that is principally above ground, as well as a mobile home.
 11. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:
 - a. before the improvement or repair is started, or
 - b. if the structure has been damaged, and is being stored, before the damage occurred.
- For the purposes of this definition, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- The term does not, however, include either:

- a. any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
12. Variance means a grant of relief by a community from the terms of a flood plain management regulation.

SECTION XIX ENFORCEMENT

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined a sum of not more than \$100.00 or be imprisoned for not more than 90 days, or both. Each day such violation continues shall be considered a separate offense.

SECTION XX APPEAL

Any disputes arising between the board and the permittee under the scope of this Ordinance shall be resolved by appeal to the Augusta Village Council, who shall act as the Final Appeal Board in such event.

SECTION XXI MOBILE HOMES

1. Mobile Homes shall be anchored in accordance with Section VII.
2. For new mobile homesparks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivision; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in mobile home park or mobile home subdivision, require that:
 - i. stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level
 - ii. adequate surface drainage and access for a hauler are provided; and
 - iii. in the instance of elevation on pilings, that:
 - lots are large enough to permit steps,
 - piling foundations are placed in stable soil no more than 10 feet apart, and
 - reinforcement is provided for pilings more than 6 feet above the ground level.
3. No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

SECTION XXII FLOODWAYS

Located within areas of special flood hazard established in Section II are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section XXI is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section XII.
3. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

SECTION XXIII SEVERABILITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION XXIV EFFECTIVE DATE

The Effective date of this ordinance shall be May 1, 1982.

CERTIFICATE

I, Eleanor W. Baxter, Clerk of the Village, hereby certify that Ordinance #153 was offered by Curry, supported by Beatty and voting on said ordinance were the following: Beatty, Curry, Daniels, Eldridge, Makowski and Mowrey. I further certify that I did post notice of said Ordinance at the following public places in the Village: U.S. Post Office, Village Hall, Baxter's Pharmacy.

Eleanor W. Baxter
Eleanor W. Baxter, Clerk
Village of Augusta