

## Chapter 11 - FLOOD DAMAGE PREVENTION AND CONTROL<sup>(1)</sup>

### Footnotes:

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**Editor's note**—Ord. No. 11-2012, § I, adopted March 20, 2012, repealed the former Ch. 11, §§ 11-1—11-12, and enacted a new Ch. 11, §§ 11-1—11-13, as set out herein. The former Ch. 11 pertained to similar subject matter and derived from Ord. No. 17-84, 6-5-84; Ord. No. 44-86, 11-4-86. Additionally, § II of Ord. No. 11-2012 provides that this ordinance repeals and replaces other ordinances adopted by the city to fulfill the requirements of the National Flood Insurance Program. This ordinance, however, does not repeal the original resolution or ordinance adopted to achieve eligibility in the National Flood Insurance Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance, any other ordinance, easement, covenant, or deed restriction conflict, or overlap, whichever imposes the more stringent restrictions shall prevail.

**Cross reference**— Buildings and building regulations, Ch. 7; civil defense, Ch. 9; fire prevention and protection, Ch. 10; planning, Ch. 19; plumbing, Ch. 20; streets, public improvements in public places, Ch. 22; subdivision regulations, App. A; zoning regulations, App. B.

### Sec. 11-1. - Purpose.

This chapter is enacted pursuant to the police powers granted to the City of Effingham by certain provisions of the Illinois Municipal Code, including, but not limited to 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2. The purpose of this chapter is to maintain the city's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. Furthermore, this chapter is adopted in order to accomplish the following purposes:

- (1) To meet the requirements of the Rivers, Lakes and Streams Act, 615 ILCS 5/18(g);
- (2) To assure that new development does not increase flood or drainage hazards to others;
- (3) To protect new buildings and major improvements to buildings from flood damage;
- (4) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (5) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (6) To maintain property values and a stable tax base by minimizing the potential for creating blighted areas;
- (7) To make federally subsidized flood insurance available for property in the City of Effingham, Illinois;
- (8) To comply with the rules and regulations of the National Flood Insurance Program, codified as 44 CFR 59-79, as amended;
- (9) To protect, conserve, and promote the orderly development of land and water resources; and

- (10) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

Accessory structure shall mean a non-habitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Act shall mean the Illinois Rivers, Lakes and Streams Act, 615 ILCS 5/4.9 et seq., as amended from time to time.

Applicant shall mean any person, firm, corporation or agency which submits an application for development permit in accordance with section 11-5 of this chapter.

Appropriate use shall mean only uses of the designated floodway.

Base flood shall mean the flood having a one (1) percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood event. Application of the base flood elevation at any location is as defined in section 11-3 of this chapter.

Base flood elevation shall mean the elevation in relation to mean sea level of the crest of the base flood.

Building shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes, but is not limited to a gas or liquid storage tank, a manufactured home, and a prefabricated building. This term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

Channel shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface groundwater flows, either perennially or intermittently.

Channel modification shall mean an alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel.

Critical facility shall mean any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include, but are not limited to the following: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes, senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances). Examples of critical facilities where flood protection is recommended include, but are not limited to the following: sewage treatment plants, water treatment plants and pumping stations.

Development shall mean any man-made change to real estate, including, but not limited to the following:

- (1) Construction, reconstruction, repair or replacement of a building or any addition to a building;
- (2) Substantial improvement of an existing building;
- (3) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing recreational vehicle or travel trailer on a site for more than one hundred eighty (180) days in a single year;
- (4) Drilling, mining, installing utilities, construction of roads, bridges, or similar projects;
- (5) Construction or erection of levees, dams, walls, fences, or culverts;
- (6) Channel modification, drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;
- (7) Storage of materials including the placement of gas and liquid storage tanks; and
- (8) Any other activity that might change the direction, height, or velocity of flood or surface water, including, but not limited to extensive vegetation removal.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

Existing manufactured home park or subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or before June 5, 1984.

Expansion of an existing manufactured home park or subdivision shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads:

FEMA shall mean the Federal Emergency Management Agency.

Flood shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood fringe shall mean that portion of the floodplain outside the regulatory floodway.

Flood insurance rate maps (FIRM) or flood hazard boundary map (FHBM) shall mean a map prepared by FEMA that depicts the special flood hazard area within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

Flood insurance study shall mean an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or special flood hazard area (SFHA). These two (2) terms are synonymous and shall mean those lands within the jurisdiction of the City of Effingham, the extraterritorial jurisdiction of the City of Effingham, or that may be annexed into the City of Effingham, that are subject to inundation by the base flood. The floodplains of the City of Effingham are generally identified as such on the City of Effingham Flood Insurance Rate Map prepared by FEMA and having an effective date of July 18, 1985, and Panel Numbers 170227 0001-0006, 170227 0002 A, 170227 0003 A, and 170227 0004A of the Effingham County, Illinois Flood Hazard Boundary Map prepared by FEMA or its predecessor, and dated of December 23, 1977. Floodplain or special flood hazard area shall also include those areas of known flooding as identified by the City of Effingham, Illinois.

The floodplains of those parts of unincorporated Effingham County that are within the extraterritorial jurisdiction of the City of Effingham or that may be annexed into the City of Effingham are generally identified as such on Panel Numbers 170227 0001-0006, 170227 0002 A, 170227 0003 A, and 170227

0004A of the Effingham County, Illinois Flood Hazard Boundary Map prepared by FEMA or its predecessor, and dated of December 23, 1977.

Floodproofing shall mean any combination of structural or nonstructural additions, changes, or adjustments to Structures which reduce or eliminate flood damage to real estate, improved real property, structures, buildings, and their contents.

Floodproofing certificate shall mean a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood protection elevation (FPE) shall mean the elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

Floodway shall mean that portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the City of Effingham shall be based on the best data available from federal sources (including FEMA), State of Illinois, or other sources.

Freeboard shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic structure shall mean any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency; or
- (4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR shall mean the Illinois Department of Natural Resources, Office of Water Resources.

Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement) of a building. An unfinished or flood resistant enclosure usable solely for the parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided, however, that such enclosure is not built so as to render the building in violation of the applicable non-elevation design requirements of section 11-7 of this chapter.

Manufactured home shall mean a structure, transportable in one (1) or two (2) sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term manufactured home shall also include park trailers, travel trailers, and other similar vehicles placed on site for more than one hundred eighty (180) days in a single year.

Manufactured home park or subdivision shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction shall mean structures for which the start of construction commenced on or after June 05, 1984 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including, at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 05, 1984.

NFIP shall mean the National Flood Insurance Program.

Person shall mean any individual, business, firm, partnership, corporation, association, trust, estate, joint venture, or other legal entity, or their legal representative, each of their assign.

Recreational vehicle or travel trailer shall mean a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive loss shall mean flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

Special flood hazard area (SFHA). See the definition of "Floodplain."

Start of construction shall mean to include the substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure. See the definition of "Building."

Substantial damage shall mean damage of any origin sustained by a structure whereby the cumulative percentage of damage over a ten-year period equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred regardless of the actual repair work performed. Volunteer work and materials must be included in this determination. The term includes repetitive loss buildings, see the definition of "Repetitive loss" above.

Substantial improvement shall mean any reconstruction, rehabilitation, addition or improvement of a structure, taking place during a ten-year period in which the cumulative percentage of improvements equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started or increases the floor area by more than twenty (20) percent. 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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done. This term does not, however, include either:

- (1) 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
- (2) Any alteration of a historic structure listed on the National Register of Historic Places or the Illinois Register of Historic Places, provide that the alteration will not preclude the structure's conditioned designation of a historic structure.

Violation shall mean the failure of a structure or other development to be fully compliant with the city's floodplain management regulations, including this chapter. A structure or other development without the elevation certificate, other certifications or other federal, state, or local permits and/or certification is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-3. - Base flood elevation.

This chapter's protection standard is the base flood. The best available base flood data is listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study and survey needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- (1) The base flood elevation for each of the floodplains delineated as an "A zone" on the Flood Insurance Rate Map of the City of Effingham shall be according to the best data available from federal or state sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- (2) The base flood elevation for the floodplains of those parts of unincorporated Effingham County that are within the extraterritorial jurisdiction of the City of Effingham, Illinois, or that may be annexed into the City of Effingham, shall be according to the best data available from federal or state sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-4. - Duties of the building official.

The City of Effingham Building Official shall be responsible for the general administration and enforcement of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the City of Effingham meet the requirements of this chapter, which shall include the following:

- (1) Process development permits in accordance with section 11-5;
- (2) Ensure that all development in a floodway (or floodplain with no delineated floodway) meets the damage prevention requirements of section 11-6;
- (3) Ensure that the building protection requirements for all buildings subject to section 11-7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (4) Assure that all subdivisions and annexations meet the requirements of section 11-8;
- (5) Ensure that water supply and water disposal systems meet the public health standards of section 11-9;
- (6) If a variance is requested, ensure that the requirements of section 11-11 are met and maintain a record of all variances granted;
- (7) Inspect all development projects to assure proper elevation of the structure and to ensure they comply with the provisions of this chapter and take any and all penalty actions outlined in section 11-13 as are necessary to ensure compliance with this chapter;
- (8) Other permit requirements. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits prior to the issuance of a floodplain development permit;
- (9) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (10) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (11) Cooperation with other agencies. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

- (12) Records for public inspection. Maintain for public inspection and furnish upon request in accordance with the Illinois Freedom of Information Act, any base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;
- (13) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and,
- (14) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-5. - Development permit.

No person not exempted by state law, shall commence any development in a SFHA or floodplain without obtaining a development permit from the City of Effingham Building Official. The City of Effingham Building Official shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

- (a) The application for a development permit shall be made on a form provided by the City of Effingham Building Official. The application shall include the following information and/or documentation:
  - (1) Name and address of applicant;
  - (2) Site location of the property;
  - (3) Drawings of the site, which are drawn to scale showing property line dimensions;
  - (4) Existing grade elevations and all changes in grade resulting from excavation or filling sealed by a licensed engineer;
  - (5) Elevation certificate executed by surveyor, engineer, or architect or floodproofing certificate, as appropriate;
  - (6) The location and dimensions of all buildings and/or additions to buildings;
  - (7) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 11-7 of this chapter;
  - (8) Anticipated dates of initiation and completion of activity or proposed development;
  - (9) Copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for the type of activity proposed by the applicant;
  - (10) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement; and
  - (11) Any other information or documentation as reasonably may be required by the City of Effingham Building Official in order to determine eligibility for a development permit or to enforce the terms of this chapter.
- (b) Permit application review. Upon receipt of a development permit application, the building official shall review all applications for completeness and shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and, is therefore, not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current flood insurance rate map is subject to the provisions of this chapter.

- (c) The building official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.
- (d) The building official shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for the activity or development proposed by the applicant. The building official shall not issue a development permit unless all other required federal, state, and local permits, approvals or permit-not-required letters have been obtained.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-6. - Preventing increased flood heights and resulting damages.

Within any floodway identified on the flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (a) Except as provided in paragraph (b) of this section 11-6 of this chapter, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health, safety, and welfare.
- (b) The following specific development activities shall be considered as meeting the requirements of paragraph (a) of this section 11-6:
  - (1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2, including, but not limited to the following:
    - a. The crossing will not result in an increase in water surface profile elevation in excess of one (1.0) feet;
    - b. The crossing will not result in an increase in water surface profile elevation in excess of one-half ( $\frac{1}{2}$ ) feet at a point one thousand (1,000) feet upstream of the proposed structure;
    - c. There are no buildings in the area impacted by the increases in water surface profile;
    - d. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel;
    - e. The design must be certified by an professional engineer licensed in the State of Illinois and the designs must meeting the conditions of an IDNR/OWR permit; and
    - f. The design must be certified by a second professional engineer licensed in the State of Illinois.
  - (2) Barge fleeting facilities meeting conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 3, including but not limited to the following:
    - a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
  - (3) Aerial utility crossings meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 4, including, but not limited to the following:
    - a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge;
    - b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge;



- c. No supporting towers or poles shall be located in a river, lake, or stream;
  - d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris;
  - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated; and
  - f. All Illinois Commerce Commission, National Electrical Safety Code, and any federal requirements must be met.
- (4) Minor boat docks meeting conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 5, including, but not limited to the following:
- a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one-quarter ( $\frac{1}{4}$ ) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and U.S. Army Corps of Engineers;
  - b. The width of the boat dock shall not be more than ten (10) feet;
  - c. For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty (50) percent of the landowner's shoreline frontage nor fifty (50) feet, whichever is less;
  - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line;
  - e. Dock posts must be marked by reflective devices;
  - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water;
  - g. Metal drums or containers may not be used as buoyancy unites unless they are filled with flotation foam and containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible;
  - h. Non-floating boat docks must be constructed in a manner which will minimize obstruction to water flow;
  - i. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR and U.S. Army Corps of Engineers; and
  - j. This permit does not authorize any other related construction activity such as shore protection or fill.
- (5) Minor, non-obstructive activities and any other activity meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 6, including, but not limited to the following:
- a. The following activities (not involving fill or positive change in grade) are covered by this permit:
    - 1. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream;
    - 2. The construction of light poles, sign posts, and similar structures;
    - 3. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures;
    - 4. The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports;
    - 5. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor more then ten (10) square feet in any dimension, provided,

however, that only one (1) such building on a single tract of property is authorized by this statewide permit; and,

6. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
- (6) Outfall structures and drainage ditch outlets meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 7, including, but not limited to the following:
    - a. Any outfall structure, including any headwell or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection;
    - b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures;
    - c. Outlets from drainage ditches shall not be opened to a stream unless the ditch is vegetated or otherwise stabilized to minimize stream sedimentation;
    - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation; and,
    - e. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  - (7) Underground pipeline and utility crossings meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 8, including, but not limited to the following:
    - a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition;
    - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction;
    - c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5 et seq., as amended from time to time), shall be provided with shut-off valves on each side of the body of water to be crossed; and
    - d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the Illinois Department of Natural Resources, Office of Water Resources at least ten (10) business days prior to the blasting date to allow monitoring of any related fish kills.
  - (8) Bank stabilization projects meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 9, including, but not limited to the following:
    - a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation, and treated timber. For purposes of this paragraph, the term "urban areas" shall be defined as areas of the state where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. The Illinois Department of Natural Resources shall be

consulted if there is any question of whether or not an area is to be considered an urban area;

- b. In addition to the material listed in subparagraph (b)(8)a. above, other materials (e.g., tire revetments) may be utilized in rural areas provided all other conditions of a Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 9 are met;
  - c. The following materials shall not be used in any case: automobile bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (425 ILCS 5 et seq., as amended from time to time);
  - d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1,000) feet;
  - e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action;
  - f. Materials shall be placed in a way which will not cause erosion or the accumulation of debris on properties adjacent to or opposite the project;
  - g. Materials shall not be placed higher than the existing top of the bank;
  - h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel with conform to or be no more restrictive than that of the natural channel upstream and downstream of the site;
  - i. For projects involving placement of riprap along the bank, toe of the bank, or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten (10) percent nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required;
  - j. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area;
  - k. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction;
  - l. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the waterline as determined by the normal pool elevation, unless:
    - 1. It is constructed in alignment with an existing seawall(s) or gabion structure(s); and
    - 2. The volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
  - m. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws, and regulations and shall further not be placed in a floodway.
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 10, including, but not limited to the following:
- a. The accessory structure or building addition must comply with the requirements of this chapter;
  - b. The principal structure to which the project is being added must have been in existence on or before July 25, 1988;

- c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect flood waters onto another property;
  - d. Must not involve the placement of any fill material;
  - e. No construction shall be undertaken in, or within fifty (50) feet, of the bank of the stream channel;
  - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions;
  - g. Only one (1) accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to and approved by the Illinois Department of Natural Resources, Office of Water Resources; and
  - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- (10) Minor maintenance dredging activities meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 11, including, but not limited to the following:
- a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1,000) feet;
  - b. The project shall not include the construction of any new channel and all work must be confined to the existing channel or to reestablishing flows in the natural stream channel;
  - c. The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site;
  - d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
    - 1. Removed from the floodway;
    - 2. Used to stabilize an existing bank provided no materials would be placed higher than the existing bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten (10) percent, nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;
    - 3. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
    - 4. Used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
    - 5. Placed in a disposal site previously approved by the Illinois Department of Natural Resources, Office of Water Resources in accordance with the conditions of the approval; or
    - 6. Used for beach nourishment, provided the materials meet all applicable water quality standards;
  - e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
- (11) Bridge and culvert replacement structures and bridge widening meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 12, including, but not limited to the following:

- a. A professional engineer, licensed in the State of Illinois, shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
    - 1. No buildings or structures have been impacted by the backwater induced by the existing structure; and
    - 2. There is no record of complaints that flood damages associated with the existing structure.
  - b. A professional engineer, licensed in the State of Illinois, shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects, the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge;
  - c. The project shall not include any appreciable raising of the approach roads, provided that this condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by INDR/OWR;
  - d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 9 (Minor Shoreline, Channel and Streambank Protection Activities) or Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 11 (Minor Maintenance Dredging Activities); and
  - e. The permittee shall maintain records of projects authorized by the Permit Number 12 which is necessary to document compliance with all conditions placed on said permit, including compliance with the above-conditions.
- (12) Temporary construction activities meeting the conditions of Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 13, including, but not limited to the following:
- a. The term "temporary" as used in this paragraph (b)(12), and its subparts, shall be defined as meaning not more than one (1) construction season;
  - b. All temporary construction materials must be removed from the stream and floodway within one (1) year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur within the review and approval of the Illinois Department of Natural Resources, Office of Water [Resources];
  - c. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure, if any, for which the work is being performed has received all required federal, state, and local authorizations;
  - d. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks;
  - e. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway;
  - f. No temporary structure shall be placed within any river or stream channel unless a professional engineer, licensed in the State of Illinois, determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of

this Statewide Permit Number 13. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure;

- g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction;
  - h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5 et seq., as amended from time to time); and,
  - i. The permittee shall maintain records of projects authorized by this Statewide Permit Number 13 necessary to document compliance with all requirements of said Statewide Permit Number 13 and compliance with the above-conditions.
- (13) Any development determined by Illinois Department of Natural Resources, Office of Water Resources, to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.
- (c) Any development activities not listed in paragraph (b) of this section 11-6 may be permitted only if the following conditions have been met:
- (1) A permit has been issued for the work by Illinois Department of Natural Resources, Office of Water Resources or written documentation is provided that an IDNR/OWR permit is not required; or
  - (2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

(Ord. No. 11-2012, § I, 3-20-2012)

#### Sec. 11-7. - Protecting buildings.

- (a) All buildings. In addition to the damage prevention requirements of section 11-6, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. These building protection requirements, as contained in this section 11-7 applies to the following situations:
- (1) Construction or placement of a new building valued at more than one thousand dollars (\$1,000.00);
  - (2) Construction or placement of a new building greater than seventy (70) square feet in area;
  - (3) Substantial improvement, as defined in section 11-2, to an existing building; or a building whose cumulative improvements, repairs, or structural alterations, beginning with the first improvement, repair, or structural alteration made subsequent to the effective date of this chapter, equals or exceeds fifty (50) percent of the market value of the structure before the first improvement, repair or structural alteration was made;
  - (4) Substantial damage, as defined in section 11-2, to an existing building whose cumulative damage repairs, beginning with the first damage repair made subsequent to the effective date of this chapter, equals or exceeds fifty (50) percent of the market value of the structure before the first damage repair was made;
  - (5) Structural alterations to an existing building that increase the floor area by more than twenty (20) percent;
  - (6) Installing a manufactured home on a new site or a new manufactured home, provided, however, that these building protection requirements as contained within this section 11-7 shall not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage;

- (7) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year; and
  - (8) Repetitive loss to an existing building, as more specifically defined in section 11-2.
- (b) Residential and non-residential buildings. Residential or non-residential buildings can meet the building protection requirements by complying with one (1) of the following methods:
- (1) The building may be constructed on permanent land fill in accordance with the following:
    - a. The lowest floor, including basement, shall be at or above the flood protection elevation;
    - b. The fill shall be placed in layers no greater than six (6) inches before compaction and shall extend at least ten (10) feet beyond the residential or non-residential building;
    - c. The fill shall be protected against erosion and scouring during Flooding by vegetative cover, riprap, or other structural measure;
    - d. The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
    - e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basis shall be incorporated; or
  - (2) The building may be elevated in accordance with the following:
    - a. The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
    - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
    - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation;
    - d. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposures to hydrodynamic forces such as current waves, ice, and floating debris;
    - e. The finished interior grade shall not be less than the finished exterior grade;
    - f. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
    - g. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
    - h. The area below the flood protection elevation shall be used solely for parking or building access and not occupied or later modified as habitable space.
  - (3) A residential building may be elevated on a crawlspace provided all of the following conditions are met:
    - a. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The area

shall have a minimum of one (1) opening on each wall, with each opening a total net area of not less than one (1) square inch for every one (1) square foot of floor of enclosed area. The openings shall be not more than one (1) foot above grade;

- c. The interior grade of the crawlspace below the flood protection elevation shall be more than two (2) feet below the lowest adjacent exterior grade;
  - d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four (4) feet at any point;
  - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after the floodwaters recede;
  - f. Utility systems within the crawlspace must be elevated above the flood protection elevations; and
  - g. The bottom of the lowest structural member of the first finished floor (lowest habitable floor) shall be at or above the flood protection elevation.
- (c) Non-residential buildings. Non-residential buildings may be structurally dry floodproofed, in lieu of elevation requirements as contained in paragraph (b) of this section 11-7, provided that a professional engineer or architect, licensed in the State of Illinois, certifies the following:
- (1) Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
  - (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
  - (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity, provided, however, that levees, berms, floodwalls and similar works are not considered floodproofing for purpose of this paragraph (c).
- (d) Manufactured home, travel trailers, and recreational vehicles. Manufactured homes, travel trailers, or recreational vehicles installed on a site for more than one hundred eighty (180) days per year, shall be:
- (1) Elevated in accordance with paragraph (b) of this section 11-7; and,
  - (2) Shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870, as amended from time to time.
- (e) Travel trailers and recreational vehicles. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the requirements of paragraph (c) of this section 11-7, unless all of the following conditions are met:
- (1) The travel trailer or recreation vehicles shall be either self-propelled or towable by a light duty truck. A hitch must remain on the travel trailer or recreational vehicle at all times;
  - (2) The travel trailer or recreational vehicle shall not be attached to external appurtenances such as a deck or porch;
  - (3) The travel trailer or recreational vehicle shall be designed solely for recreation, camping, travel, or seasonal use and shall not be used as a permanent dwelling;
  - (4) The travel trailer or recreational vehicle shall be less than four hundred (400) square feet in area;
  - (5) The travel trailer or recreational vehicle shall have wheels on all axles with tires inflated and road ready;
  - (6) If so equipped, air conditioning units shall be attached to the frame of the travel trailer or recreational vehicle so as to be safe for movement out of the floodplain;



- (7) If so equipped, propane tanks, electrical and sewer/septic connections shall be quick disconnect and above the flood protection elevation or otherwise made water tight;
- (8) The travel trailer or recreational vehicle shall have a current license and title as a recreational vehicle or park mode; and
- (9) The travel trailer or recreational vehicle shall either be:
  - a. Entirely supported by jacks rather than blocks; or
  - b. Have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in such a manner that will allow the blocks to be removed by use of the hitch jack.
- (f) Garages, sheds or other minor accessory buildings. Garages or sheds shall be protected in accordance with either paragraph (b) or (e) of this section 11-7, unless all of the following conditions are met:
  - (1) The garage or shed shall be non-habitable;
  - (2) The garage or shed shall be used only for storage of items such as vehicles or tools and shall not later be converted to another use;
  - (3) The garage or shed shall be located on an NU, Non-Urban District or R-1, Single Family Residential District lot and be accessory to an existing principal residential structure;
  - (4) Below the flood protection elevation, the garage or shed shall be constructed of flood resistant materials;
  - (5) All utilities, plumbing, heating, air conditioning and electrical shall be elevated above the flood protection elevation;
  - (6) The garage or shed shall have a minimum of at least one (1) permanent opening on each wall no more than one (1) foot above grade. The openings shall provide for a total net area of not less than one (1) square inch for every one (1) square foot of floor area;
  - (7) The garage or shed shall be less than fifteen thousand dollars (\$15,000.00) in market value or replacement costs, whichever is greater, and less than five hundred (500) square feet in area;
  - (8) The garage or shed shall be anchored to resist floatation, collapse, lateral movement, or overturning;
  - (9) All flammable or toxic materials, including, but not limited to, gasoline, paint, insecticides, and fertilizers, shall be stored above the flood protection elevation; and
  - (10) The lowest floor elevation of the garage or shed shall be documented and the owner notified of flood insurance implications.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-8. - Subdivision and other development requirements.

- (a) The city council shall take into account flood hazards, to the extent that they are known, in any and all official actions related to land management use and development.
- (b) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to existing manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of sections 11-6 and 11-7 of this chapter. Any proposal for such development shall include the following information and documentation:
  - (1) The base flood elevation and the boundary of the floodplain. Where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

- (2) The boundary of the floodway when applicable; and
- (3) A signed statement by a registered professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Illinois Plat Act, 765 ILCS 205/2 et seq., as amended from time to time.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-9. - Public health and other standards.

- (a) In addition to the requirements of sections 11-6 and 11-7 of this chapter, the following public health standards shall apply for all development in a floodplain:
  - (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a registered professional engineer or are within a floodproofed non-residential building constructed according to the requirements of section 11-7 of this chapter;
  - (2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
  - (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration by flood waters into the systems and discharges from the systems into flood waters;
  - (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight; and
  - (5) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-10. - Carry capacity and notification.

- (a) For all projects involving channel modification, fill, or stream maintenance, including levees, the flood carrying capacity of the watercourse shall be maintained.
- (b) Prior to issuing a permit for the alteration or relocation of a watercourse, the city shall notify all communities lying adjacent to the affected watercourse, in writing at least thirty (30) calendar days prior to the issuance of said permit.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-11. - Variances.

- (a) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the City of Effingham for a variance. A petition requesting a variance shall be filed by the person requesting such action with the city building official's office, along with a filing fee of twenty-five dollars (\$25.00), which shall be paid to cover the costs incidental to such hearing. The petition shall contain the street address of the petitioner, an accurate legal description of the property affected, and recite the facts supporting the request for variance.

- (b) The city council, may grant such a variance, but no such variance shall be made without a public hearing before the city planning commission. Notice of such hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one (1) or more newspapers published in the city, or, if no newspaper is published therein, then in one (1) or more newspapers published in Effingham County and having a general circulation within the city. The notice shall state the time, place and purpose of such hearing. The hearing may be adjourned from time to time. The plan commission shall review the applicant's request for a variance and shall submit its recommendation to the city council. The city council may attach such conditions to granting of a variance, as it deems necessary to further the intent of this chapter.
- (c) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  - (1) The development activity cannot be located outside the floodplain;
  - (2) An exceptional hardship would result if the variance were not granted;
  - (3) The relief requested is the minimum necessary;
  - (4) There will be no additional threat to the public health or safety, or creation of a nuisance if the variance is granted;
  - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
  - (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
  - (7) All other required state and federal permits have been obtained.
- (d) The city shall notify an applicant in writing that a variance from the requirements of the building protection standards, as contained within section 11-7 of this chapter, that would lessen the degree of protection of the building will cause the following:
  - (1) Result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage;
  - (2) Increase the risks to life and property; and
  - (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- (e) Variance to the building protection requirements, as contained in section 11-7 of this chapter, required in connection with the reconstruction, repair, or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of paragraph (b) of this section 11-11.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-12. - Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from property reliance on this chapter or any administrative decision made lawfully hereunder.

(Ord. No. 11-2012, § I, 3-20-2012)

Sec. 11-13. - Penalty.

- (a) Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed a violation of this chapter. Upon due investigation, the building official may determine that a violation of the minimum standards of this chapter exist. The building official shall notify the owner in writing of such violation. The building official shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.
- (b) If such owner fails, after ten (10) days written notice, to correct the violation:
  - (1) The city shall make application to the Effingham County Circuit Court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter;
  - (2) Any person who violates this chapter shall upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) per violation;
  - (3) A separate offense shall be deemed committed upon each day during which a violation occurs or continues; and
  - (4) The city shall record a notice of violation on the title of the property.
- (c) Nothing contained herein shall prevent the city from taking such other lawful action to prevent or remedy any violations of the provisions of this chapter. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. No. 11-2012, § I, 3-20-2012)