

## FLOODPLAIN REGULATIONS

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### **10-16-1 DEFINITIONS:**

*Development* means any man-made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

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

*Floodplain or Flood Prone Area* means any land area susceptible to being inundated by water from any source (see Flood).

*Flood-proofing* 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.

*Manufactured Home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities.

*New Construction* means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective

date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

*Special Flood Hazard Area* means the land in the floodplain within the City subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of this ordinance, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

*Structure* for floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

*Substantial Improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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 restored, 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 regardless of the actual work performed. The 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”, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

**10-16-2        STATUTORY AUTHORIZATION:** The legislature of the State has, in Minnesota Statutes, Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

**10-16-3        STATEMENT OF PURPOSE:**

A.        The City of Lauderdale wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 44 CFR Part 60.3(a).

B.        The City of Lauderdale wishes 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.

**10-16-4        WARNING AND DISCLAIMER OF LIABILITY:** This ordinance does not imply that areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages which result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**10-16-5        PERMIT REQUIREMENTS:**

- A.     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 Building Official.
- B.     No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the Building Official for each change.
- C.     No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the Building Official.

**10-16-6        PERMIT APPLICATION:** To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose along with such fee as the city council may establish from time to time. The form must be completed and submitted to the Building Official before the issuance of a permit will be considered.

**10-16-7        DUTIES OF THE BUILDING OFFICIAL:**

- A.     The Building Official is appointed as the person responsible for receiving applications and examining the plans and specifications for the proposed construction or development.
- B.     After reviewing the application, the Building Official may require any additional measures which are necessary to meet the minimum requirements of this ordinance.
- C.     The Building Official shall review proposed development to assure that all necessary permits have been received from those 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, 33 U.S.C. 1334.

**10-16-8 REVIEW OF THE PERMIT APPLICATION:** The Building Official shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. Constructed with materials and utility equipment resistant to flood damage,
- C. Constructed by methods and practices that minimize flood damage, and
- D. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**10-16-9 SUBDIVISIONS:** The Building Official 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 proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- C. Adequate drainage is provided to reduce exposure of flood hazard.

**10-16-10 WATER SUPPLY SYSTEM:** St. Paul Regional Water Service shall require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

**10-16-11 SANITARY SEWAGE AND WATER DISPOSAL SYSTEMS:** The Building Official shall require within flood prone areas:

- A. 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 flood waters, and

B. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

**10-16-12 PENALTY:** Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor under Minnesota Statute section 609.03, as it may be amended from time to time by the Minnesota Legislature. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**10-16-13 ABROGATION AND GREATER RESTRICTION:**

A. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction.

B. Where this Ordinance and other ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**10-16-14 SEPARABILITY:** The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Adopted March 9, 2010.