CHAPTER 15

FLOOD PLAIN CODE

15-1-1 **PURPOSE.** This Code is enacted pursuant to the police powers granted to this City by **Illinois Municipal Code (65 ILCS Secs. 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8,** and **5/11-31-2)** in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas; and

(F) To make federally subsidized flood insurance available.

(G) 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.

15-1-2 **DEFINITIONS.** For the purpose of this Chapter, the following definitions are adopted:

(A) **"Base Flood"** means the flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 15-1-3** of this Chapter.

(B) **"Base Flood Elevation (BFE)"** means the elevation in relation to mean sea level of the crest of the base flood.

(C) **"Building"** means a structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than **one hundred eighty (180) days** per year.

(D) **"Critical Facility".** Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

(E) **"Development"** means any man-made change to real estate including, but not necessarily limited to:

(1) demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
(2) substantial improvement of an existing building;
(3) installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
(4) installation of utilities, construction of roads, bridges, culverts or similar projects;
(5) construction or erection of levees, dams, walls, or fences;
(6) 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) channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

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

(F) **"FEMA"** means the Federal Emergency Management Agency.

(G) **"Flood"** means 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.

(H) **"Flood Fringe"** means that portion of the floodplain outside of the regulatory floodway.

(I) **"Flood Insurance Rate Map"** means a map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

(J) **"Floodplain" or "Special Flood Hazard Area (SFHA)"** are synonymous. Those lands within the jurisdiction of the City that are subject to inundation by the base flood. The floodplains of the City are generally identified as such on the countywide Flood Insurance Rate Map of St. Clair County prepared by the Federal Emergency Management Agency and dated **November 5, 2003**. Floodplain also includes those areas of known flooding as identified by the community.

(K) **"Floodproofing"** means any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

(L) **"Floodproofing Certificate"** means a form published by the Federal Emergency Management Agency that is used to certify that a building has

been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

(M) **"Flood Protection Elevation" or "FPE"** means the elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

(N) **"Floodway"** means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Catawba Creek and Richland Creek shall be as delineated on the countywide Flood Insurance Rate Map of St. Clair County prepared by FEMA and dated **November 5, 2003**. The floodways for each of the remaining floodplains of the City shall be according to the best data available from Federal, State, or other sources.

(O) **"IDNR/OWR"** means Illinois Department of Natural Resources/Office of Water Resources.

(P) **"Manufactured Home"** means a structure transportable in **one (1)** or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

(Q) **"NFIP"** means National Flood Insurance Program.

(R) **"Repetitive Loss".** Flood related damages sustained by a structure on **two (2)** separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

(S) **"SFHA".** See definition of **"floodplain"**.

(T) **"Substantial Damage".** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

(U) **"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started.

"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 (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 structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

(V) **"Travel Trailer (or Recreational Vehicle)"** means a vehicle which is:

(1) built on a single chassis;
(2) **four hundred (400) square feet** or less in size;
(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.

15-1-3 **BASE FLOOD ELEVATION.** This Chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation of the floodplains of the Catawba Creek and Richland Creek within the City shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of St. Clair County prepared by the Federal Emergency Management Agency and dated **November 5, 2003**.

(B) The base flood elevation for each floodplain within the City that is delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of St. Clair County and dated **November 5, 2003**.

(C) The base flood elevation for each of the remaining floodplains within the City that is delineated as an "A Zone" on the countywide Flood Insurance Rate Map of St. Clair County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated St. Clair County that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, shall be as delineated on the 100-year flood profiles of the countywide Flood Insurance Study of St. Clair County prepared by the Federal Emergency Management Agency and dated **November 5, 2003**.

15-1-4 **DUTIES OF THE ZONING ADMINISTRATOR.** The Zoning Administrator shall be responsible for the general administration of this Chapter and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Chapter. Specifically, the Zoning Administrator shall:

(A) Process development permits in accordance with **Section 15-1-5**;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 15-1-6**;

(C) Ensure that the building protection requirements for all buildings subject to **Section 15-1-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of **Section 15-1-8**;

(E) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 15-1-9**;

(F) If a variance is requested, ensure that the requirements of **Section 15-1-10** are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all actions outlined in **Section 15-1-12** as necessary to ensure compliance with this Chapter;

(H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Chapter; and

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Chapter.

(M) Perform site inspections to ensure compliance with this Chapter and make substantial damage determinations for structures within the floodplain.

(N) 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.

15-1-5 **DEVELOPMENT PERMIT.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a Development Permit from the Zoning Administrator. The Zoning Administrator shall not issue a Development Permit if the proposed development does not meet the requirements of this Chapter.

(A) The application for development permit shall be accompanied by:

(1) drawings of the site, drawn to scale showing property line dimensions;

(2) existing grade elevations and all changes in grade resulting from excavation or filling;

(3) the location and dimensions of all buildings and additions to buildings; and

(4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 15-1-7** of this Chapter.

(5) cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) Upon receipt of an application for a Development Permit, the Zoning Administrator 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 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. The Zoning Administrator 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.

15-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within the floodway identified on the countywide 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 **Section 15-1-6(B)**, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in the flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
(2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
(3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
(4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
(5) Outfall structures and drainage ditch outlets meeting the conditions of Statewide Permit No. 7;
(6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
(7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
(8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
(9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
(10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
(11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and

(12) Any development determined by IDNR/OWR to be located entirely in a flood fringe area.

(B) Other development activities not listed in (A) may be permitted only if:

(1) a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(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.

15-1-7 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of **Section 15-1-6**, all buildings to be located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) construction or placement of a new building valued at more than **One Thousand Dollars ($1,000.00)** or **seventy (70) square feet;**

(2) substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this Chapter;

(3) repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this Chapter.

(4) structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%);**

(5) installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and

(6) installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.

(7) repetitive loss to an existing building as defined in **Section 15-1-2(R)**.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill 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 should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation;

(c) the fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or other structural measure;

(d) the fill shall be composed or 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 basins 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 flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one 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, designed, and certified so as to minimize exposure 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 later modified or occupied as habitable space.

(C) Manufactured homes, or travel trailers to be permanently installed on a site shall be:

(1) elevated to or above the flood protection elevation; and

(2) 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 IL Adm. Code 870.**

(D) Travel trailers and recreational vehicles on site for more than **one hundred eighty (180) days** shall meet the elevation requirements of **Section 15-1-7(C)** unless the following conditions are met:

(1) the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

(2) the vehicle must not be attached to external structures such as decks and porches; and

(3) the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

(4) the vehicles largest horizontal projections must be no longer than **four hundred (400) square feet**; and

(5) the vehicle's wheels must remain on axles and inflated; and

(6) air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and

(7) propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and

(8) the vehicle must be licensed and titled as a recreational vehicle or park model; and

(9) the vehicle must be either (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 a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

(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.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Section.

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

(1) the garage or shed must be non-habitable; and

(2) the garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and

(3) the garage or shed must be located outside of the floodway; and

(4) the garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and

(5) below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and

(6) all utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and

(7) the garage or shed must have at least **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with **one (1) square inch** of opening for every **one (1) square foot** of floor area; and

(8) the garage or shed must be less than **Seven Thousand Five Hundred Dollars ($7,500.00)** in market value or replacement cost whichever is greater or less than **five hundred (500) square feet**; and

(9) the structure shall be anchored to resist flotation and overturning; and

(10) all flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and

(11) the lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(1) the building must 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; and

(2) 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. A minimum of **one (1)** opening on each wall having a total net area of not less than **one (1) square inch** per **one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade; and

(3) the interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade; and

(4) 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; and

(5) an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

(6) portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(7) utility systems within the crawlspace must be elevated above the flood protection elevation.

15-1-8 **SUBDIVISION REQUIREMENTS.** The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 15-1-6** and **15-1-7** of this Chapter. Any proposal for such development shall include the following data:

(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 Plat Act **(765 ILCS Sec. 205/2)**.

15-1-9 **PUBLIC HEALTH AND OTHER STANDARDS.**

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 15-1-6** and **15-1-7**, the following standards apply:

(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 professional engineer or floodproofed building constructed according to the requirements of **Section 15-1 -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 systemsshall be located and constructed to minimize or eliminate infiltration of 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.

(5) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from anycritical facility must be protected to the 500-year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

15-1-10 **VARIANCES.** Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendations 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.

(A) 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 public health or safety, or creation of a nuisance;

(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.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 15-1-7** that would lessen the degree of protection to a building will:

(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 that the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 15-1-7** of this Chapter requested 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 **Section 15-1-9(A)(1-5).**

15-1-11 **DISCLAIMER OF LIABILITY.** The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on available 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 proper reliance on this Chapter or any administrative decision made lawfully thereunder.

15-1-12 **PENALTY.** 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 to be a violation of this Chapter. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this Chapter exists. The Zoning Administrator shall notify the owner in writing of such violation.

(A) If such owner fails after **ten (10) days** notice to correct the violation:

(1) The City may make application to the 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 **Fifty Dollars ($50.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense; and

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The City shall record a notice of violation on the title to the property.

(B) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and theretofore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

15-1-13 **ABROGATION AND GREATER RESTRICTIONS.** This Chapter repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including: **Ordinance No. 6262 (01-17-01).** However, this Chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 6591; 11-03-03)