REPEALED BY
ORD. # 87-4
DATE 3-5-87

ORDINANCE NO. 80-3

AMENDED BY
ORD. # 81-3
DATE 5-5-81

AN ORDINANCE TO ESTABLISH ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM; TO SET FORTH THE REQUIREMENTS OF 1910. 3 (b) OF THE FEDERAL INSURANCE ADMINISTRATION REGULATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Mulberry wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 1910.3(b) of the Federal Insurance Administration regulations.

NOW, THEREFORE, the following measures shall be required within Zone A of the Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community.

PERMIT REQUIREMENTS

SECTION 1. No person shall erect, construct, enlarge, altar, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home fromthe designated responsible person.

APPLICATION

SECTION 2. To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person with an appropriate fee before the issuance of a permit will be considered.

REVIEW OF APPLICATIONS

SECTION 3. The Building Inspector hereinafter referred to as the responsible person is appointed as the "person" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

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After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document.

SECTION 4. The responsible person 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.

SECTION 5. The responsible person 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 prefabricated buildings and mobile homes) shall: (i) be designed (or Modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize damage.

SECTION 6. The responsible person 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 proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.

SECTION 7. The responsible person 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; and

SECTION 8. The responsible person shall require within flood prone areas (i) 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 (ii) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

SECTION 9. The responsible person shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

SECTION 10. The responsible person shall obtain, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Administrator, as criteria for requiring

that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basements) elevated or floodproofed to or above the base flood level.

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SECTION 11. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the responsible person shall (i) obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information.

SECTION 12. The responsible person shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration.

SECTION 13. The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SECTION 14. The responsible person shall require that all mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less that 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds: and (iv) any additions to the mobile home be similarly anchored.

SECTION 15. The Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community, dated January 23, 1980 with Panel Numbers 050354 0005, and any officially published revisions to this map, is adopted as the official map for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced.

SECTION 16. DEFINITIONS. Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining dredging, filling, grading, paving, excavation or drilling operations.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a conbination thereof. A floor used only for storage purposes is not a "habitable floor."

"Mobile home" means a strucure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24CFR 3282.7 (a)).

"Person" Includes any individual or group of individuals, corporation, partnership, association, or any otherentity, including State and local governments and agencies.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Structure" means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement of repair is started, or (b) if the structure has

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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. 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 a State Inventory of Historic Places.

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation.

REPEALING CLAUSE

SECTION 17. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

EMERGENCY CLAUSE.

SECTION 18. This ordinance being necessary for the immediate preservation of the public peace, health and sagety, and emergency is herby declared to exist and the same shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED by more than a two-thirds majority of the City Council of the City of Mulberry this 1st day of April, 1980.

Arnold D. Feller

ARNOLD D. FELLER, Mayor

ATTEST:

Jerry Dick

JERRY DICKERSON
Recorder-Treasurer

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