

SAMPLE  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE \_\_\_\_\_, ALASKA ESTABLISHING  
LAND USE REGULATIONS TO CONFORM TO REQUIREMENTS OF  
THE NATIONAL FLOOD INSURANCE PROGRAM AND PROVIDING  
FOR AN EFFECTIVE DATE.

**WHEREAS**, Alaska Statutes 29.35.180(b) empowers the \_\_\_\_\_ to exercise a power not otherwise prohibited by law.

**WHEREAS**, it is desirable to provide the residents and businesses of the \_\_\_\_\_ the opportunity to purchase flood insurance;

**THEREFORE BE IT ENACTED BY THE \_\_\_\_\_ AS FOLLOWS:**

Section	1.0	Statutory authorization, findings of fact, and purpose	
Section	2.0	Definitions	<b>OPTIONAL</b>
Section	3.0	General Provisions	
Section	4.0	Administration	
Section	5.0	Flood Hazard Reduction	
	5.1	General Standards	
	5.2	Residential and Nonresidential Construction	
Section	6.0	Erosion	<b>OPTIONAL STANDARD</b>

Section 1.0 Statutory authorization, findings of fact, and purpose.

The Borough Assembly of the North Slope Borough, Alaska, does recognize that the Borough is periodically subject to flooding, and coastal erosion, furthermore, both hazards may result in loss of life and property, health and safety hazards, and public expenditures for flood protection, relief and erosion control, all of which adversely affect the public health, safety and general welfare.

This purpose of this ordinance is to promote public health, safety and general welfare and to minimize flood losses. To accomplish this purpose, it is the intent of this ordinance to:

1. Encourage land uses vulnerable to floods be protected against flood damages at the time of initial construction or substantial improvement;

2. Modify land uses which are dangerous to health, safety or property in time of flood or cause excessive increase in flood heights or velocity;
3. Insure that subdivision and development of land within the city are consistent with the need to minimize flood hazards; and Insure that the sale of flood insurance is available to residents, and that those who occupy the areas of special flood hazard assume responsibility for their actions

## Section 2.0 Definitions

"AREA OF SPECIAL FLOOD HAZARD" means the land in the floodplain within a community subject to a one percent or greater chance of flooding 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 located within the area of special flood hazard.

"FLOOD" or "FLOODING" 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 and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"STRUCTURE" means a walled and roofed building, manufactured home, and includes a gas or liquid storage tank that is principally above ground.

"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:

- (1) before the improvement or repair is started, or
- (2) 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.

## SECTION 3.0 General Provisions

### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the \_\_\_\_\_. Until such time as a "Flood Insurance Study" and "Flood Insurance Maps" are published by the Federal Insurance

Administration for \_\_\_\_\_, the Borough shall reasonably utilize the High Water Marks of Record .

## SECTION 4.0 Administration

### 4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

#### 4.1-1 Development Permit Required

A development permit shall be obtained before construction or development begins to determine if such development is proposed within flood-prone areas. The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities.

#### 4.2 Designation of the Local Administrator

The \_\_\_\_\_ is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

### 4.3 DUTIES AND RESPONSIBILITIES OF THE \_\_\_\_\_

Duties of the \_\_\_\_\_ shall include, but not be limited to:

#### 4.3-1 Permit Review

- (1) Review all development permits to determine if the proposed development is located in a flood hazard area.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed building sites will be reasonably safe from flooding.

#### 4.3-2 Information to be Obtained and Maintained

- (1) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (2) Where base flood elevation data or High Water Marks of Record are provided, obtain and record the actual elevation of the lowest floor of all structures; and if applicable, elevation to which any structure has been floodproofed..

## SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

### 5.1 GENERAL STANDARDS

If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall meet the following standards:

5.1-1 Anchoring

- (1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure; all manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement.

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system:
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge into flood waters; sewage lift station electrical panels shall be elevated above High Water Marks.

5.1-3 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5.1-4 Review of Building Permits

Where flood elevation data is not available either through a Flood Insurance Study or from another authoritative source, applications for building permits will be reviewed to assure proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water

marks, photographs of past flooding, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.2 Residential Construction

(1) In all areas of special flood hazards, new construction and substantial improvement of any residential structure shall have the lowest floor elevated to or above base flood elevation if established, or the high water marks of record.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited.

5.3 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor elevated to or above the level of the base flood elevation or high water marks of record; or, together with attendant utility and sanitary facilities shall:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section and such certifications shall be provided to the city manager.

(3) Fully enclosed areas below the lowest floor in nonresidential elevated structures that are subject to flooding need be designed to allow for the entry and exit of flood waters, or are prohibited.

OPTIONAL SECTION Not required to meet FEMA minimums to enter the NFIP

Section 6.0. Erosion Setback.

All new development shall be setback from the \_\_\_\_\_ to create a safety buffer or be designed to be easily relocatable. The setback distance shall at a minimum be the estimated average annual erosion rate of \_\_\_\_\_ feet times the anticipated useful life of the structure.

Date of Introduction: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

APPROVED by the \_\_\_\_\_ Borough Assembly, this \_\_\_\_ day of 2000.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk