

ORDINANCE 504

CITY OF BAYOU LA BATRE
STORM WATER MANAGEMENT AND FLOOD CONTROL ORDINANCE

ARTICLE I. STORM WATER MANAGEMENT AND FLOOD CONTROL

DIVISION 1. GENERAL

Sec. 1-1. Statement of Purpose

It is the purpose of this Article to control land disturbance activities and storm water drainage facilities within the corporate limits of the City in order to promote the public health, safety and general welfare, and to comply with the Federal Clean Water Act, the National Pollution Discharge Elimination System (NPDES) program to meet its storm water discharge permit requirements, the Alabama Coastal Consistency program, and Federal Emergency Management Agency (FEMA) requirements to reduce flooding through provisions designed to:

1. Protect human life and health;
2. Protect the natural assets and resources of the City of Bayou La Batre;
3. Protect the lands and waters of the City from the effects of soil erosion and sedimentation;
4. Prevent and reduce degradation of streams and lakes from the effects of siltation;
5. Prevent obstruction of drainage channels, reduce flood damage and prevent damage to the property of adjacent land owners;
6. Reduce expenditures of public money for storm water management and flood control projects;
7. Reduce the need for rescue and relief efforts associated with flooding;
8. Provide for the sound use and development of the flood prone areas so as to maximize beneficial use with out increasing flood hazard potential;
9. Reduce damage to public facilities and utilities such as water and sewer lines, electric, telephone and gas facilities, and streets and bridged located in flood plains;
10. Ensure a functional storm water drainage system that will not result in excessive maintenance costs;
11. Encourage the improvement of existing flooding problems in conjunction with new development;
12. Encourage the use of natural and aesthetically pleasing design;
13. Reduce the impact on public and private lands caused by the accumulation of mud, dirt, water, debris and other construction materials.

Sec. 1-2. Definitions

Word used in this Article shall have their customary meanings as determined by the standard dictionary definition except for the purposes of this Ordinance, the following specific words and terms used herein shall be interpreted as follows:

ADEM means the Alabama Department of Environmental Management or its successor agency.

Adverse Impact means a negative effect to land, water and associated resources resulting from any land disturbing activity. Negativity effects include, but are not limited to, increased risk of flooding, degradation of water quality, increased sedimentation, reduced groundwater recharge, harm to aquatic organisms, wildlife or other resources and/or threatened public health.

Applicant means a Person (as defined herein below) who executes the necessary forms and submits the necessary supporting documentation for consideration by the City of Bayou La Batre for a permit to conduct a land disturbing activity.

Approved Drainage System means that which was approved for construction and permitted by the City of Bayou La Batre. Does not include storm water piping within the City of Bayou La Batre's right-of-way.

As-Built Plans or Record Documents means a set of engineering site drawings that delineate a specific permitted storm water management facility or system as actually constructed.

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

Best Management Practices encompass a wide range of methods and procedures to control the addition of pollutants to the environment through the application of the best available non-point pollution control technologies, processes, siting criteria, operating methods or other alternative methods, such as, but not limited to, schedules of activities, prohibitions and other procedures which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

Building Permit means an official document or certificate issued by the Building Inspection Department that authorizes performance of a specific activity relating to constructing, reconstructing, enlarging, extending, or structurally altering any building or structure, including interior alterations.

Certificate of Occupancy means an official document or certificate issued by the Building Inspection Department that authorizes performance of a specific activity relating to constructing, reconstructing, enlarging, extending, or structurally altering any building or structure, including interior alterations.

City means the City of Bayou La Batre, Alabama

City Council means the City Council of the City of Bayou La Batre

City Engineer means the City Engineer, or his designee.

Clearing means those operations where trees and vegetation are removed (cut) and stumps left in place, but not including grading or any other activity that would alter the existing elevation contours of the cleared property.

Consultant means a licensed or registered professional who provides technical services.

Contractor means a person or his designee who is responsible for construction activities.

Detention Structure means a permanent storm water management facility whose primary purpose is to temporarily store storm water runoff and release it at a controlled rate. Typically, an above ground pond, underground piping system, or other means of storage, and an outfall structure.

Develop Land means to change the storm water drainage characteristics of a parcel of land.

Developer means a person who undertakes or benefits from land disturbing activities covered by these regulations.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations and permanent storage of equipment or materials.

Diameter At Breast Height (DBH) means the measurement of the width of the trunk of the tree at four and one-half (4 ½) feet above the existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

Building Inspector means the staff person responsible for administration of the Land Use and Building Code of the City or his/her designee.

Drainage Area means that area contributing runoff to a single point.

Dwelling, One Family means a non-commercial, individual and separately built structure designed and constructed exclusively for use by one family for residential purposes.

Easement means an interest in land granted by the owner or his predecessor for a specific limited use, purpose or purposes, (which is described in the conveyance of the land affected by such easement), but not conveying title to real property.

Engineer means a person licensed under Alabama Code, Section 34-11-1 et seq. (1975), as amended.

Erosion means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

Erosion and Sediment Control means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water ice, gravity or mechanical means. (see *Best Management Practices*)

FEMA means the Federal Emergency Management Agency.

Flood Control Structure means the same as *Detention/Retention Structure*.

Floodway (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodplain means a Special Flood Hazard Area or any area susceptible to flooding.

Grading means excavating, filling (including hydraulic fill) or stockpiling of earth material, (or any combination thereof), including the land in its excavated or filled condition.

Grubbing means the effective removal of understory vegetation such as, but not limited to, palmetto from the site and/or the removal of stumps and roots from a cleared parcel of land.

Heritage Tree means any of the following list of trees which is at least twelve (12) inches DBH: Oak (excluding water oak and scrub oak), Hickory, Sycamore, Yellow poplar, Sweet Gum, Magnolia, Cypress.

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary to qualify as a registered district.
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

Infiltration means the passage or movement of water through the soil profile.

Land Disturbance Permit means an official document issued by the Building Inspection Department which authorizes performance of a specific activity relating to excavating, filling, grading, clearing, grubbing or other land disturbing activity in a specific area within a designated time frame.

Land Disturbance Permit Application means a set of drawings, documents and supporting calculations containing the information and specifications required by the City submitted as a prerequisite to obtaining a permit to undertake a land disturbing activity.

Land Disturbing Activity means any activity upon or use of land involving a change in the natural vegetative cover or topography including but not limited to clearing, grading, excavation, and filling, or other construction activities that may cause erosion or contribute to sedimentation or alteration of the quality and quantity of storm water runoff.

MS4 means the City Municipal Separate Storm sewer System.

Municipal Offense Ticket means a summons charging a violation of this Article that directs anyone in violation to appear in Municipal Court to answer the charge or charges of violation,

Municipal Separate Storm Sewer System shall have the same meaning as defined in the City's National Pollutant Discharge Elimination System Permit.

NPDES means the National Pollutant Discharge Elimination System of the Federal Clean Water Act.

NPDES Permit means the permit issued to the City by the Alabama Department of Environmental Management authorizing all existing or new storm water point source discharges to Waters of the State from those portions of the MS4 owned or operated by the City.

National Pollutant Discharge Elimination System means a permit program authorized by the Federal Water Pollution Control Act (Clean Water Act) to regulate point sources that discharge pollutants into Waters of the United States and which is administered in Alabama by the Alabama Department of Environmental Management (ADEM).

Non-erodible means a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience noticeable surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.

Non-point Source Pollution means any source of water pollution that does not meet the legal definition of "point source" pollution in Section 502(14) of the Clean Water Act. This usually includes materials contained in storm water runoff from ill-defined, diffuse sources.

One-Hundred-Year Frequency Storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as a probability of a 1 percent chance of being equaled or exceeded in any given year.

Overbank Storage means the capacity of Floodplain lands to receive, slow and retain above normal rainfall waters from an overloaded river, creek, stream or ditch.

Overstory means the top portion or canopy of trees above a cluster of smaller trees.

Owner means a person holding legal title to the land.

Permittee means a person to whom a Building Permit, Land Disturbance Permit or other type of permit has been issued and who is obligated to comply with the terms and conditions of the permit.

Person means any individual, firm, partnership, corporation, company, LLC, association, trust or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee or other similar representative thereof.

Pollutant shall have the same meaning as defined in the City's National Pollutant Discharge Elimination System Permit.

Post-Development means the conditions which exist following completion of a land disturbing activity in terms of topography, vegetation, land use, construction, and the rate volume, velocity, quality or direction of storm water runoff.

Pre-Development means the conditions which exist prior to the initiation of a land disturbing activity in terms of topography, vegetation, land use, construction, and the rate, volume, velocity, quality or direction of storm water runoff.

Redevelopment means a land disturbance activity that in some way changes or alters the current development or use of the land and may or may not alter the current runoff characteristics.

Retention Structure means a permanent enclosure, lake, pond or other system with the primary purpose of permanently storing a given volume of storm water runoff, and which may temporarily detain an additional volume of storm water runoff for release at a controlled rate. (Typically, an above ground pond, underground piping system or other means of storage, and an outfall structure.)

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, wind, ice, gravity, or mechanical means from its site of origin.

Special Flood Hazard Area means those areas identified by the Federal Emergency management Agency (FEMA) in its Flood Insurance Study dated July 6, 1998, with accompanying maps and other supporting data and any revision thereto. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a flood insurance study.

Stabilization means the installation of structural measures or soil cover to reduce soil erosion by storm water runoff, wind, ice, gravity, or mechanical means.

Stop Work Order means a directive issued by the City to any Person who owns or possesses the land or who is performing or may be responsible for a land disturbing activity to cease and desist all or any portion of the activity.

Storm Drainage Facility means any sewer, ditch, creek, river, lake, swale, watercourse or any other natural or manmade facility through which storm water or storm runoff may regularly or intermittently pass in a concentrated fashion.

Storm Water Detention means storm water runoff collected, temporarily stored and released at a rate less than the inflow rate.

Storm Water Management means, for:

- (1) quantitative control, a system of vegetative or structural measures, or both, that controls the increases in volume and rate of storm water runoff caused by manmade changes to the land, and
- (2) qualitative control, a system of vegetative, structural or other measures that reduces or eliminates pollutants that might otherwise be carried by storm water runoff.

Storm Water Runoff means the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. This definition includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territories subdivided.

Ten-year Frequency Storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as a probability of a 10 percent chance of being equaled or exceeded in any given year.

Twenty-five Year Frequency storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. I also may be expressed as a probability of a four percent chance of being equaled or exceeded in any given year.

Two-year Frequency Storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. I also may be expressed as a probability of a 50 percent chance of being equaled or exceeded in any given year.

Understory means the trees which grow beneath the overstory to include dogwood, crepe myrtles, Bradford Pears, red buds and others approved by the Urban Forester.

Unsuitable Material means trash, debris, car bodies, asphalt or other refuse.

Variance means a modification of minimum storm water management requirements in specific cases where such modification will not be contrary to the public interest and where, owing to

exceptional circumstances, literal enforcement of the provisions of this Article will result in unnecessary hardship.

Waters of the United States shall have the same meaning as defined in the City's National Pollutant Discharge Elimination System Permit.

Waters of the State shall have the same meaning as defined in the City's National Pollutant Discharge Elimination System Permit.

Water Quality means those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water Quantity means the volume and velocity characteristics of storm water runoff from a land disturbing activity to downstream areas.

Watershed means the drainage area contributing storm water runoff to a single point.

Zoning Ordinance shall mean the Zoning Ordinance of the City.

Sec. 1-3. General Provisions.

- (a) Applicability. This Article shall apply to all areas within the jurisdiction of the City of Bayou La Batre.
- (b) Jurisdiction. The regulations and requirements set forth in this Article shall apply to all property within the limits of the City of Bayou La Batre.
- (c) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.
- (d) Abrogation and Greater Restrictions. This Article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) Interpretation. In their interpretation and application, the provisions of this Article shall constitute minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by City ordinances.
- (f) Severability. If any section, clause, provision or portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected thereby.
- (g) Penalties for Violation. Violation of the provisions of this Article, or failure to remedy a problem created by a violation of this Article, or failure to initiate a remedy

or continue toward completion of a remedy of a problem created by a violation of this Article, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates the provisions of this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful actions as is necessary to prevent or remedy any action.

Sec. 1-4. City National Pollutant Discharge Elimination system (NPDES) municipal Separate Storm Sewer System (MS4) Permit Adopted by Reference.

- (a) The City's NPDES permit or its successor document is hereby adopted and made a part of this Article by reference.
- (b) Discharges into the City's MS4 shall be in compliance with PART I., Paragraph (Authorized Discharges) of the City's NPDES permit.

Sec. 1-5. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this Article PRIOR to the commencement of any Development activities.

Sec. 1-6. Permits

1. *Land Disturbance Permit.* A permit from the Building Inspection Department is required for any land disturbing activity within the City unless exempted. Land Disturbance Permits expire upon completion of the work authorized or not later than one year from the date of issuance, whichever shall first occur. Permittee may be granted an extension, at an additional cost of Twenty-five dollars (\$25.00), by requesting the same from the Building Inspection Department in writing. Disturbed property may not remain denuded longer than 60 days without establishing vegetation or the application of suitable ground cover for the control of erosion and sedimentation. Specific requirements for obtaining a land disturbance permit include:

- (a) Approval of the related site grading and drainage plan and or subdivision construction plans by the City Engineer;
- (b) Compliance with all regulations (including Federal and State) and approval from the Building Inspection Department;
- (c) Documentation that all necessary permits have been received from governmental agencies from which approval is required by law; and
- (d) **Compliance with Federal Emergency Management Agency (FEMA) Flood Plain Regulations as specified in this Article.**

Exemption. Activities for which a land disturbance permit will not be required:

- (1) Commercial building operations on tracts of land less than 2500 square feet which will not have any land disturbing activity apart from the building area;
- (2) minor land disturbing activities such as gardens; does not include filling ditches, holes, wet areas or the like.
- (3) construction and maintenance of above ground public utility lines;
- (4) individual landscaping, minor home repairs, or maintenance work of existing structures or grade;
- (5) individual non-commercial tracts of land less than five thousand (5000) square feet;
- (6) emergency repairs;
- (7) agricultural operations; and
- (8) single family residences separately built where the residence, including driveways and other improvements, does not increase the impervious surface more than 2500 square feet of land surface area. However, the builder will be required to install silt barriers and use erosion control procedures as necessary to prevent erosion of dirt, rock debris, and building materials onto public or private property and into drainage systems and streets and comply with the City's Litter Ordinance.

2. *Building Permit* A permit from the Building Inspection Department is required to erect, construct, reconstruct, enlarge, extend or structurally alter any building or structure, including interior alterations, within the City. Specific Requirements for obtaining a building permit include:

- (a) an approved Land Disturbance Permit authorized by the City's Engineer and Building Inspection Department;
- (b) a permit application in compliance with all Flood Plain Requirements as set forth in this Section and Division 2 of this Article;
- (c) satisfactory evidence that permits have been received from those governmental agencies from which approval is required by Federal State law; and
- (d) plans for building structures in compliance with all applicable building codes, policies and regulations of the Building Inspection Department.

3. *Clearing and Grubbing Permit.*

- (a) A Land Disturbance Permit from the Building Inspection Department is required, without exemption or exception, for clearing and or grubbing operations in Special Flood Hazard Areas. No work shall begin without such permit.
- (b) A Land Disturbance Permit from the Building Inspection Department is required for timber harvesting operations that involve construction of access roads, stump/root removal, earthwork or cutting undergrowth.
- (c) A Timber Harvesting Permit from the Building Inspection Department is required of harvesting operations that involve cutting or harvesting trees without construction access roads, stump/root removal, earthwork or cutting undergrowth, but a Land Disturbance permit will not be required.
- (d) A Land Disturbance permit is not required for clearing and or grubbing private residential property associated with construction of a residential structure of less than 2500 square feet.

- (e) A Land Disturbance Permit is not required for clearing and/or grubbing less than one acre of private residential property not associated with construction of a residential structure unless the property is located within a Special Flood Hazard area.
- (f) **Other Obligations.** Clearing and/or grubbing performed with one of the above stated exemptions, or obtaining a permit for clearing and/or grubbing does not relieve Permittee of its duty to:
 - 1) observe erosion and sedimentation control requirements found in this Article; or
 - 2) obtain all other necessary permits, licenses and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulation.

Any tree or trees to be removed inside the corporate limits of the City shall comply with State and local laws that pertain to tree preservation and protection on both City and private properties (State Act 61-929 and City Ordinance Number 385).

Sec. 1-7. Permit procedures.

Application for a development permit shall be made to the Building Inspection Department on forms furnished by the department prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the locations of the foregoing. Specifically, the following information is required:

- (a) *Application Stage.*
 - (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings as certified by a registered engineer or architect;
 - (2) Elevation in relation to mean sea level to which any nonresidential building will be flood-proofed as certified by a registered engineer or architect;
 - (3) Certificate from a licensed professional engineer or registered architect that the nonresidential flood-proofed criteria in Section 1-6(2) has been met;
 - (4) Description of the extent to which any watercourse will be altered or relocated as result of proposed development; and

- (b) *Construction stage*

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the building is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspection Department, a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea

level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Sec. 1-8. Designation of Engineer.

Duties of the City Engineer shall include, but not be limited to:

- (a) Review all development permits to assure that the permit requirements of this Article have been satisfied;
- (b) Review proposed development to assure that all necessary permits have been received from 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. Require that copies of such permits be provided and maintained on file.
- (c) When base flood elevation data or floodway data have not been provided in accordance with Section 1-22, then the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Sections 1-25 through 1-29.
- (d) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Emergency Management Agency (AEMA).
- (e) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and AEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (f) Where interpretation is needed as to the exact location of the areas of special flood hazard for example, where there appears to be a conflict between a mapped boundary and actual filed conditions) the City Engineer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this division.
- (g) Verify and record the actual elevation in relation to mean sea level or highest adjacent grade of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Section 17-7.(b).
- (h) Verify and record the actual elevation in relation to mean sea level to which any new or substantially improved structures have been flood proofed, in accordance with Section 17-6.(2) and 17-8.(2).

- (i) When flood-proofing is utilized for a structure, the Building Inspector shall obtain certification of design criteria from a licensed professional engineer or registered architect, in accordance with Section 17-7.(2)(3) and 17-6.(2).
- (j) Obtain design certification from a licensed professional engineer or registered architect that any new construction or substantial improvement placed in a **Coastal High Hazard Area** will meet the criteria of Section 17-9.(5).
- (k) All records pertaining to the provisions this Article shall be maintained in the office of the Building Inspection Department and shall be open for public inspection.

Sec. 1-12. Site Grading and Drainage plans for Commercial, Residential and Subdivision Construction.

- (a) Before approving the issuance of a Land Disturbance Permit, the City Engineer shall require plans, standards, design criteria and other specifications for commercial, residential and subdivision construction site grading and drainage, hereinafter in this Article sometimes referred to as "the plan" or "plans".
- (b) Plans shall be accompanied by sufficient engineering calculations for verification of discharge of storm water runoff and location and methods for erosion and sedimentation control.
- (c) All data, engineering computations and plans submitted to the City Engineer shall be signed and sealed by a professional engineer licensed by the state of Alabama.
- (d) No construction, whether by private or public action, shall be performed in such a manner as to increase the degree or potential for flooding in its vicinity or in other areas whether by increasing runoff volume or velocity or by diminishing channel or Overbank Storage capacity.
- (e) The plan shall include provisions for a design that will not cause the pre-development peak runoff rate from a ten-year storm to increase.
- (f) The plan shall provide storm water detention/retention storage and/or channel improvement and/or other adequate measures as required by the City Engineer's design criteria and other specifications for the preparation of site grading and drainage plans.
- (g) An erosion and sedimentation control plan will be required for all submittals unless exempted by the City Engineer.
- (h) If Storm Water Detention Storage is included in any plan, the developer/owner must provide the City with a plan for maintenance of the detention facility. Said plan shall set forth the maintenance requirements of the facility and the party responsible for performing the maintenance, other than the City.
- (i) Development sites that are less than two thousand five hundred (2500) square feet and/or otherwise exempt from storm water detention requirements, will be required to provide for the control of storm water runoff on-site and convey it to the City's drainage system where practical. Storm water runoff will not be allowed to flow across adjoining property lines unless a hold harmless agreement is obtained from the adjoining property owner. No storm water will be allowed to flow across public rights-of-way unless authorized by the City Engineer.
- (j) All construction plans will be required to comply with FEMA floodplain regulations as specified in Division 2 of this Article.

- (k) **As-built certification.** The City Engineer shall require a letter from a licensed professional engineer certifying that all site construction, street construction, drainage facilities, erosion and sedimentation control measures, and their improvements are complete and functioning as required by the appropriate regulations and approved permits and plans.

Sec. 1-13. Amendments.

This Article may be amended in the same manner as prescribed by law for its original adoption.

Sec. 1-14. Relationship with Other Laws, Regulations, and Ordinances.

Whenever the provisions of this Article impose more restrictive standards than are required in or under any other law, regulation, or ordinance, the requirements herein contained shall prevail. Whenever the provisions of any other law, regulation, or ordinance require more restrictive standards than are required herein, the requirements of such law, regulation, or ordinance shall prevail.

Sec. 1-15. Prohibited Activities and Exemptions.

- (a) ***Prohibited activities:*** It shall constitute a violation of this Article for a person or persons to undertake any of the following activities:
- (1) Engaging in a land disturbing activity without first obtaining a Land Disturbance Permit unless exempt under Section 1-15.(b). of this Article, or failing to comply with an approved permit's conditions and limitations.
 - (2) Constructing, reconstructing, erecting, enlarging, extending or structurally altering, including interior alterations, a building or structure without first obtaining a Building Permit or permits as required by this and other applicable laws and ordinances, or failing to comply with an approved Building Permit's conditions and limitations, or occupying the permitted structure without having first obtained a Certificate of Occupancy from the City Building Inspection Department.
 - (3) Violating any provision of the City's NPDES permit conditions or requirements.
 - (4) Violating ADEM Administrative Code Division 8 Coastal Program regulations.
 - (5) Causing or increasing flow restrictions, or causing an increase in storm water runoff volume or velocity, or diminishing channel or Overbank Storage capacity of any part, section or element of the City's MS4.
 - (6) Clearing, grubbing, grading, filling or altering the natural vegetation within a Special Flood Hazard Area of the City without first obtaining a Land Disturbance Permit.
 - (7) Establishing, using or maintaining an Illicit Connection to the City's MS4.
 - (8) Throwing, depositing, placing, leaving, maintaining, keeping or permitting to be thrown, any refuse, rubbish, garbage, or other discarded, or abandoned objects. Articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land in

- the City, so that the same might be or become a Pollutant, except in containers, recycling bags, or other lawfully established waste disposal facilities.
- (9) Disposing of leaves, dirt or other landscape debris into the City MS4 or causing leaves, dirt, or other debris to be deposited in or upon a street, alley, sidewalk, parkway, or other public right-of-way.
 - (10) Conducting any industrial activity within the City without obtaining all permits required by State or Federal law, including a NPDES General Industrial Activity Storm Water Permit when required.
 - (11) Discharging, depositing, placing or releasing Unsuitable Material or material containing toxic pollutants in toxic amounts as defined by Section 307 of the Clean Water Act into Waters of the United States.
 - (12) Discharging dredged or fill material into Waters of the United States that results in permanent, above grade fills within the Floodway of the 100-year-Floodplain identified on the City Flood Insurance Rate Maps.
 - (13) Excavating or digging the earth from any lot or parcel of ground in such manner as may cause water to remain thereon unless permitted in accordance with the provisions of this Article.
 - (14) Placing fill material upon or immediately adjacent to a bank or edge of any property abutting or bounded by a river, stream or other body of water in such manner that the fill can reasonably be expected through the action of wind and water to be discharged into such body of water without first installing a suitable protective device, bulkhead or retaining wall adequate to prevent the fill from washing into and polluting the body of water.
 - (15) Storing unsealed containers or receptacles containing building materials, vehicle motor parts containing grease or oil or other materials containing hazardous substances in areas susceptible to runoff.
 - (16) Using a pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency.
 - (17) Owning (either solely or jointly with others) or possessing (either solely or jointly with others) or reserving any right to own or possess any property on which any act prohibited by subparts 1-35(a)(1) through (a)(16), inclusive, of this Article is performed.
 - (18) Authorizing or instructing others to perform any act prohibited by subparts 1-35 (a) (1) through (a) (16), inclusive, of this Article.
- (b) **Exemptions.** Exempt discharges to the City Municipal Separate Storm Sewer System include:
- (1) As per Section 6.5.1 of EPA Part 2 page 6-32 and 6-33 Water line flushing
 - (2) Landscape irrigation
 - (3) Diverted stream flows
 - (4) Rising ground waters
 - (5) Uncontaminated ground water infiltration
 - (6) Uncontaminated pumped ground water
 - (7) Discharges from potable water sources
 - (8) Foundation drains
 - (9) Air conditioning condensation
 - (10) Irrigation water

- (11) Springs
- (12) Water from crawl space pumps
- (13) Footing drains
- (14) Lawn watering
- (15) Individual residential car washing
- (16) Flows from riparian habitats and wetlands
- (17) Dechlorinated swimming pool discharges
- (18) Street wash water

Sec. 1-16. Obligation to Maintain Drainage Systems (Flood Control Structures).

In addition to the inspections performed by the Building Inspection Department and City Engineer prior to approval of a Certificate of Occupancy of a building and/or the acceptance of the streets and drainage of a subdivision development, the City of Bayou La Batre requires certification by a licensed professional engineer representing the developer that the development was built according to the approved plans. It shall be the legal responsibility of the owner to see that the approved drainage system contains and operates as designed. The system may be checked at appropriate times by the City Engineer. If the system is not operating correctly due to lack of proper maintenance or from being tampered with, the owner will be notified in writing that he has 10 days from the date of notification to put the system back in working order. If the system is not restored to its original approved condition within the 10-day notification period, the owner may be issued a Municipal Offense Ticket and fined one hundred dollars (\$100.00) per occurrence. Each day that the system remains out of compliance may be considered a separate occurrence.

DIVISION 2. FLOODPLAIN REGULATIONS

Sec. 1-17. Findings of Fact.

- (a) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and 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.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.

Sec. 1-18. Statement of purpose.

It is the purpose of this Division to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazard to other lands.

Sec. 1-19. Objectives.

The objectives of this Division are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (g) To insure that potential home buyers are notified that property is in a flood area.

Sec. 1-20. Definitions.

Unless specifically defined below, words or phrases in this Division shall be interpreted so as to give them the meaning that they have in common usage and to give this Division its most reasonable application:

Addition (to and existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

Appeal means a request for a review of the City Engineer interpretation of any provision of this division.

Area of shallow flooding means a designated AO or VO Zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

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.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter or enclosure for any occupancy or storage.

Coastal high hazard area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on the FIRM as Zone V-1 – 30, VE or V.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations and permanent storage or equipment or materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, piling, columns (posts and piers), shear walls or breakaway walls.

Elevation Certificate means an administrative tool of the National Flood Insurance Program (NFIP) used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR-F).

Existing construction means any structure for which the “start of construction” commenced before May 1, 1972.

Existing manufactured home park or subdivision means 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 (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 1, 1972.

Expansion to an existing manufactured home park or subdivision means 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 final site grading or the pouring of concrete pads.

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

- (a) The overflow of inland or tidal waters
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM); means an official map of a community, issued by the Federal Insurance Administration, where boundaries of areas of special flood hazard have been designated as specified in Section 1-22.

Flood insurance rate map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, where boundaries of areas of special flood hazard have been designated as specified in Section 1-22.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacturer, sales or service facilities.

Hazardous waste materials or substances means any materials that are flammable, explosive, corrosive, toxic, radioactive or readily decompose to oxygen at elevated temperatures.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one (1) 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. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after May 1, 1972. The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means 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 (including at a 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 May, 1972.

Recreational vehicle means a vehicle which is

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

Repetitive Loss means 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 damages occurred.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the 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 means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other manmade facilities or infrastructures.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or substantial damage" regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual amount of repair work performed. 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 building. The term does not, however, include (1) any project for improvement of a building required to comply with the existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and 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."

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Sec. 1-21. Lands to which this Division applies.

This Division shall apply to all areas of special flood hazard within the jurisdiction of the City and other areas designated by the City Engineer as potential flood areas.

Sec. 1-22. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study of the City of Bayou La Batre, Alabama, dated July 6, 1998, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Division.

Sec. 1-23. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of the

City or by any officer or employee thereof for any flood damages that result from reliance on this Division or any other administrative decision lawfully made thereunder.

Sec. 1-24. Variance Procedures.

- (a) The Stormwater Board of Adjustment, or City Council acting in its stead, shall hear and decide requests for appeals or variances from the requirements of this Division. The Stormwater Board of Adjustment, or City Council acting in its stead, will review and issue a decision within fifteen (15) days from receipt of a written request.
- (b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (c) Variance may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Division are met, no reasonable alternative exists and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) In reviewing such requests, the Building Inspector shall consider all technical evaluations, relevant factors and all standards specified in this and other Sections of this Division.
- (f) Conditions for variances:
A variance shall be issued only when there is:
 - 1. A finding of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship, however, mere economic hardship is per se not sufficient to support a variance; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (g) The provisions of this Division are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (h) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.,
- (i) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal and State Emergency Management Agencies upon request.

- (j) Upon consideration of the factors listed above and the purposes of this Article, the Building Inspector may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Division.
- (k) The Stormwater Board of Adjustment, or City Council acting in its stead shall hear and decide appeals when it is alleged an error in any requirement, decision or determination is made by the Building Inspector and/or City Engineer in the enforcement or administration of this Division.
- (l) Appeal procedure:
The Stormwater Board of Adjustment, or City Council acting in its stead may grant a special exception to the requirements of this Division if a permittee demonstrates with written evidence that:
 1. The exception will not create any threat to the public health, safety or welfare.
 2. The permittee demonstrates that the increased economic burden and the potential adverse impact on the permittee's construction schedule resulting from the strict enforcement of the requirement actually or effectively prohibits the ability of the permittee to receive utility services in the City.
 3. The permittee demonstrates that the requirement unreasonably discriminates against the permittee in favor of another person.
- (m) Should any person be aggrieved by the decision of the Board of Adjustment such person may appeal by filing written notice with the Building Inspection Department within fifteen (15) days from the date of such decision. The Building Inspection Department shall send a copy of the appeal and all relevant documentation, within fifteen (15) days, to the City Clerk's Office to be considered by the City Council at a hearing.

Sec. 17-25. General Standards.

In all areas of special flood hazard, the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (c) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

- (i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Division, shall meet the requirements of "new constructions" as contained in this Division;
- (j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Division, shall be undertaken only if said nonconformity is not furthered, extended or replaced.

Sec. 1-26. Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1-22, the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (3) below.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in A zones may be flood proofed in lieu of being elevated provided that all areas of the building below the required elevation are made watertight with walls that are substantially impermeable to the passage of water and constructed with structural components having the capability of resisting hydrostatic and hydrodynamic forces and the effects of buoyancy. A licensed professional engineer or registered architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 1-11.
- (3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - 4. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - 5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

- (4) Standards for manufactured homes and recreational vehicles.
- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivision in a new manufactured home park or subdivisions, must meet all of the requirements for new construction, including elevation and anchoring.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 1. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than thirty-six (36) inches in height above grade.
 3. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsection (4) b.1. and b.3 above.
 - c. All recreation vehicles placed on sites must either:
 1. Be fully licensed and ready for highway use; or
 2. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of subsection (4)a. or b.1 and b.3 above; or
 3. Be on the site for fewer than one hundred eighty (180) consecutive days. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (5) Floodways. Located within areas of special flood hazard established in Section 1-22, are areas designated as floodways. A floodway is an extremely hazardous area due to the velocity of flood waters, debris, and erosion potential. Floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements, disturbance of natural vegetation, or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydraulic analysis performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge, and that velocities of floodwaters and erosion potential are not increased. The hydraulic analysis shall also include (1) data that identifies soil types and addresses their potential for erosion before and after development, and (2) a survey of existing vegetation within the affected area and the potential impact on water quality resulting from the proposed development. A licensed professional engineer must provide supporting technical data and certification thereof.

- b. Only if Section 1-26(5)a. above is satisfied, then shall any new construction or substantial improvement comply with all other applicable flood hazard reduction provisions of this Article.

Sec. 1-27. Building standards for streams without established base flood elevation and/or floodways. (A zones).

Located within the areas of special flood hazard established in Section 1-22, where streams exist but where no base flood data has been provided for or where base flood data has been provided without floodways, the following provisions apply:

- (1) The City Engineer shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Sections 1-25 and 1-26. Only if data are not available from these sources, the following provisions (2) and (3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a licensed professional engineer is provided demonstrating that such encroachment shall not result in increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of section 1-26.(3), *Elevated Buildings*. A licensed professional engineer and the City Engineer shall certify the lowest floor elevation level, and the record shall become a part of the permanent file.

Sec. 1-28. Standards for areas of shallow flooding (AO zones).

Areas of Special Flood Hazard established in Section 1-22 may include designate "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential building shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 1-26.(3), *Elevated Buildings*. A licensed professional engineer and the City Engineer shall certify the lowest floor elevation level, and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a nonresidential structure may be flood proofed in lieu of elevation. The structure, together with attendance utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level

plus two (2) feet above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or registered architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Building Inspector as set forth above and as required in Section 1-10 and 1-11.

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 1-29. Coastal high hazard areas (V zones).

Located within the areas of special flood hazard established in Section 1-22, are areas designated as coastal high hazard areas (V zones). These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of the mean high tide;
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level.
- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns or shear walls; and
- (4) All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on ALL building components, both structural and non-structural. Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with 2000 International Building Code.
- (5) A licensed professional engineer or registered architect shall certify that the design, specifications and plans for construction are in full compliance with the provisions contained in subsections (2), (3) and (4) herein.
- (6) All space below the lowest horizontal supporting member shall remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. No solid walls shall be allowed. Material shall consist of lattice or mesh screening only. If aesthetic lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises.
- (7) Prior to construction, plans for any buildings that will have lattice work or decorative screening must be submitted to the Building Inspection Department for approval.
- (8) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in subsection (6) herein.

- (9) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscape/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects or wave deflection. The City Engineer shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered:
1. Particle composition of fill material does not have a tendency for excessive natural compaction;
 2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
- (10) Slope of fill will not cause wave run-up or ramping.
- (11) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this Article are met.

Sec. 1-30. Standards for subdivisions.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

Sec. 1-31 Hazardous waste materials or substances.

No construction, plants, facilities or structures that process or store hazardous waste substances shall be permitted within the 500-year floodplain or coastal high hazard areas.

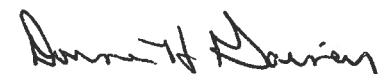
ADOPTED AND APPROVED BY THE CITY OF BAYOU LA BATRE ON THE 11 DAY OF OCTOBER, 2005

CITY OF BAYOU LA BATRE



STAN WRIGHT, MAYOR

ATTEST:



DONNA H. GAINNEY, CITY CLERK