

ORDINANCE NO. 50

FLOODPLAIN REGULATION ORDINANCE

AN ORDINANCE ADOPTING REGULATIONS FOR THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, SUBDIVISION OF LAND, PLACEMENT OF MOBILE HOMES OR OTHER DEVELOPMENT IN RELATION TO FLOOD HAZARD AREAS

BE IT ORDAINED by the City Council of the City of LeRoy, McLean County, Illinois, as follows:

Section 1. PURPOSE

The purpose of this ordinance is to avoid the hazards to persons and damage to property resulting from flooding and to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, as amended, and which are hereby adopted by reference, and filed in the Office of the City Clerk, pursuant to Illinois Law and Illinois Revised Statutes, Chapter 24, Section 11-30-2.

Section 2. CONFLICTING LAWS REPEALED

All ordinances and resolutions or portions thereof in conflict herewith are hereby repealed, amended and replaced. The provisions of this ordinance shall be deemed as additional requirements to minimum standards required by other ordinances of the City. In case of conflicting requirements the most restrictive shall apply.

Section 3. DEFINITIONS

For the purpose of this ordinance, the following definitions are adopted:

- A. "Development" means: any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.
- B. "Flood" or "Flooding" means: a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- C. "Base flood" means: the flood having a one per cent chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.
- D. "Base flood elevation" means: the elevation in relation to Mean Sea Level of the crest of the base flood.

- 2-
- E. **Structure** means: a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.
 - F. **"Mobile home"** means: a structure 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. For the purpose of this ordinance it does not include recreational vehicles or travel trailers.
 - G. **"Substantial improvement"** means: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty per cent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (I) 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 (II) any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

Section 4. FLOOD HAZARD BOUNDARY MAP

The Flood Hazard Boundary Map No. H 01 dated April 9, 1976 and amendments thereto, delineating "A" Zones as areas that are susceptible to the base flood as prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, is hereby adopted for the purpose of this ordinance and filed of record in the Office of the City Clerk.

Section 5. PERMIT REQUIRED

No person, firm or corporation shall commence any construction, substantial improvement, subdivision of land, placement of mobile homes or other development in areas located in an "A" Zone without first obtaining a permit from the Zoning Administrative Officer. The Zoning Administrative Officer shall not issue such permit for any construction, substantial improvement, or other development that does not comply with the provisions of this ordinance or that has been denied a permit required by the Federal or State law including Section 404 of the Federal Water Pollution Control Act, 1972, 33 U.S.C. 1334.

Section 6. APPLICATION

- A. Within areas designated as "A" Zones each application for development shall be accompanied by elevations (in relation to Mean Sea Level) of the lowest habitable floor (including basement); or in the case of floodproofed non-residential structures, the elevation to which it will be floodproofed. Documentation of certification of such elevations will be maintained by the Zoning Administrative Officer.
- B. The Zoning Administrative Officer may require a certification from an architect, engineer, or surveyor, specifying that certain requirements of this ordinance have been complied with.

- 3-
- C. The application shall also contain information as reasonably may be required by the Zoning Administrative Officer in order to determine eligibility for permits or to enforce the terms of this ordinance.

Section 7. BASE FLOOD ELEVATION

The City Council shall obtain, review, and reasonably utilize base flood elevation data available from federal, state, or other sources until such time as data has been received from the Federal Insurance Administration. Provided, that for any proposed subdivision or new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, the applicant shall provide the base flood elevation data for each lot or platted parcel located in an "A" Zone. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources.

Section 8. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT STANDARDS

All new construction and substantial improvements to structures located in an "A" Zone shall:

- A. For residential structures have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation.
- B. For non-residential structures have the lowest floor (including basement) elevated or floodproofed to one (1) foot above the base flood elevation.
- C. Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
- D. Be constructed with materials and utility equipment resistant to flood damage.
- E. Be constructed by methods and practices that minimize flood damage to other properties.

Section 9. MOBILE HOME STANDARDS

- A. All mobile home parks and mobile home subdivisions located in an "A" Zone shall file evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes, with the appropriate disaster preparedness authorities.
- B. All mobile homes to be placed on a site located in an "A" Zone shall have the lowest floor elevated one (1) foot above the base flood elevation. Such mobile homes shall be placed to prevent flotation, collapse, or lateral movement of the structure due to flooding. Such mobile homes shall be anchored according to the following specifications: (I) over-the-top ties shall 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 than fifty (50) feet long shall require one additional tie per side; (II) frame ties shall be provided at each corner of the mobile

home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long shall require four (4) additional ties per side; (III) all components of the anchoring system shall be capable of carrying four thousand eight hundred (4,800) pounds; and (IV) any additions to the mobile home shall be similarly anchored.

Section 10. UTILITY STANDARDS

All new construction and substantial improvements to utilities located in an "A" Zone shall provide that:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.
- C. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 11. SUBDIVISION AND OTHER DEVELOPMENT STANDARDS

All subdivisions and other development located in an "A" Zone shall provide that:

- A. All subdivision and other development proposals shall be designed to minimize flood damage to the proposed subdivision or development site as well as to other properties.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage.
- C. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

Section 12. WATERCOURSE STANDARDS

The Zoning Administrative Officer shall notify adjacent communities and the Illinois Division of Water Resources and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

Section 13. VARIANCES

Upon application and after fifteen (15) days' notice of a public hearing, the City Council may grant a variance of this ordinance subject to compliance with the provisions of Section 1910.6 (a) of the Rules and Regulations of the National Flood Insurance Program and such other conditions as the City Council deems necessary to comply with the intent of this ordinance.

Section 14. PENALTIES FOR VIOLATION

Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars and in addition, shall pay all costs and expenses involved in litigation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 15. SEPARABILITY

The provisions and sections of this ordinance shall be deemed separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 16. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form, as required by law.

PASSED by the City Council of the City of LeRoy, McLean County, Illinois, in regular session this 18th day of April, 1977 and deposited and filed in the office of the Clerk in said City on that date.

APPROVED:

J. J. Lere
Mayor

AYES: 5 *BEAN, CASSAWAY, ABNER, NENSON, MURRELL*

NAYS: 1 *COOK*

ATTEST:

Janita Bagley
City Clerk

