

outline is defined and used in this document

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODE

ARTICLE I. BUILDING CODE ADOPTION

SECTION 500.010: ADOPTION OF BUILDING CODE

- A. A certain document dated 2002, titled International Building Code 2003, published by International Code Council, Inc., three (3) copies of which are on file in the office of the City Clerk of Scott City, Missouri, is hereby adopted as the Building Code of the City of Scott City, Missouri, for the control of building and structures as herein provided and all other regulations, provisions, penalties, conditions and terms of the International Building Code 2003 is hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with additions, insertions, deletions and changes, if any, prescribed in the Section of this Code.
- B. Any person violating the terms of the Building Code shall be guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed ninety (90) days, or both fine and imprisonment. Each day a violation under the Building Code continues shall constitute a separate offense. (CC §44.010; Ord. No. 689 §1, 7-16-01; Ord. No. 758 §1, 7-6-04; Ord. No. 758 §1, 7-6-04; Ord. No. 773 §§1–2, 1-17-05)

ARTICLE II. SEISMIC DESIGN

SECTION 500.015: STANDARDS FOR SEISMIC DESIGN AND CONSTRUCTION

- A. Any new construction or major structural renovation begun after January 1, 1991, all buildings for which leases are executed by political subdivision of the State after January 2, 1991, and all buildings for which leases are executed by the State or any institution of higher education after January 1, 1994, shall comply with the standards for seismic design and construction of the building officials and code administrators code or of the Uniform Building Code.

- B. This Section shall not apply to any building owned by the State, any institution of higher education, any political subdivision upon which construction was begun or finished before the effective date of this Section, any private structure with less than ten thousand (10,000) square feet in total area, or any single family or duplex residence.
- C. As used in this Section, the term "*major structural renovation*" means any reconstruction, rehabilitation, addition or other improvement of any existing structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the major structural renovation. (Ord. No. 321 §1, 12-17-90)

ARTICLE III. PERMITS AND FEES

SECTION 500.020: PERMITS REQUIRED AND FEES IMPOSED

No person shall commence any new construction or major structural renovation or occupy any new construction or major structural renovation without first obtaining a permit

§ 500.020

from the City. The City shall collect the following charges for a building permit to construct, enlarge or alter any structure; or change the occupancy of a building or structure, or requiring greater strength, exit ways or sanitary provisions, or to install or alter any equipment for which provision is made or the installation of which is regulated by the code. Only ordinary repairs shall be exempt from these provisions:

NOTE: The finishing of unfinished areas in an occupied building shall be considered new construction for the purposes of this Section.

1. *New construction and additions.*

0 — 2,500 square feet = \$ 0.10/square foot (minimum of \$40.00).

2,501 — and above = \$ 0.10/square foot for all areas over 2,500 square feet.

2. *Remodeling.*

NOTE: The following types of improvements will be exempt from needing a permit, as long as there is no structural change made to the building: reshingling, siding, painting (interior and exterior), flooring, direct fit window replacement and any other as approved with the Building Inspector's discretion.

\$0 — \$3,000 = \$40.00

\$3,001 — \$10,000 = \$40.00 + \$3.00 each additional \$1,000.00 over \$3,000.00.

\$10,001 — \$50,000 = \$61.00 + \$2.00 each additional \$1,000.00 over \$10,000.00.

\$50,001 — \$100,000 = \$144.00 + \$1.00 each additional \$1,000.00 over \$50,000.00.

Over \$100,000 = \$191.00 + \$0.51 each additional \$1,000.00 over \$100,000.00.

3. *Swimming pools and decks.* A permit must be issued prior to any person being allowed to install any permanently affixed in-ground or above ground pool with or without an attached deck. A permit must be issued prior to installing all attached or unattached decks used as an accessory to the building.

The fee for said permit shall be twenty dollars (\$20.00).

4. *Occupancy permits.* A permit must be issued prior to any person being allowed to

occupy a new structure or major renovation.

5. *Sign and billboards.*

Sign = \$20.00

Billboard = \$50.00

6. *Reinspection.* All permit fees include up to two (2) inspections for each item required to be inspected by the Building Inspector, a list of which will be given to the permit holder at the time the permit is issued. If further reinspection is required by the

Building Inspector, additional inspection fees as listed below will be required to be paid before the inspector will return to the site.

Fifteen dollars (\$15.00) per inspection after the first two (2) inspections.

7. *Fence permits.* Twenty-five dollars (\$25.00) in accordance with Section 400.240(D)(4).

8. *Permit time limits/penalty.* All permits are for a period of twelve (12) months with construction to begin within the first six (6) months. A renewal penalty of five hundred dollars (\$500.00) will be charged for permits not completed by the end of the twelve (12) month period. Large projects will require the approval of the City Building Inspector to extend beyond the initial twelve (12) months building period. No penalty will be charged if extension is approved by the Building Inspector. Under no exceptions will a building permit be allowed to continue beyond twenty-four (24) months from the first (1st) date of approval. (CC §49.010; Ord. No. 500 §§1–2, 11-20-95; Ord. No. 689 §2, 7-16-01; Ord. No. 829 §1, 10-15-07)

ARTICLE IV. STREETS

SECTION 500.030: PROCEDURE FOR PAVING OF PUBLIC STREETS

- A. No later than the first (1st) Monday in January of each year, the Street Committee, which shall be appointed by the Mayor with the consent of the City Council, shall submit to the City Council a list of streets it proposes the City pave, which list shall be prioritized according to need.
- B. No later than the first (1st) Monday of February of each year, the City Council shall approve or amend the list of streets submitted to it by the Street Committee. In the event the City Council amends the list, the Council minutes shall reflect the reasons for any amendment. The list of streets to be paved, as approved by the City Council, shall be limited to those priority streets for which the Council determines there are available funds in the City's street account funded by the one-half (½) cent sales tax.
- C. Upon approval of the City Council, the list of streets to be paved, in priority order, shall be posted for the public at the bulletin board at City Hall and published for one (1) insertion in a newspaper of general circulation within the City.

- D. No later than the first (1st) Monday in March, the City Council shall solicit bids for paving of public streets, which bids shall be based on cost per ton.
- E. In the event the amount of the lowest responsible bid received and accepted by the City Council is not sufficient to pave all listed priority streets, the Mayor shall delete from the list of streets to be paved, in reverse order of priority, to the extent necessary to allow the City to pay the contractor for paving the higher priority streets.
- F. In the event the amount of the lowest responsible bid is lower than the amount of funds available in the City Street Fund, the excess funds may be used for paving non-listed, non-priority streets as provided in Subsection (G).
- G. Any person wishing to have a street paved which is a non-listed, non-priority street shall have all owners of property adjoining the street to sign a contract obligating the landowners on one (1) side of the street to pay one-third ($\frac{1}{3}$) of the paving cost, the landowners on the other side of the street to pay one-third ($\frac{1}{3}$) of the paving cost, and the City to pay one-third ($\frac{1}{3}$) of the paving cost. The landowners' share of the cost of paving shall be estimated by the Public Works Director and shall be paid to the City Clerk by

the landowners in proportion to their street frontage prior to the contractor paving the street. Any of the landowners' money not expended for paving shall be refunded. The contract called for in this Section shall be on file in the City offices. The Mayor is authorized to sign said contract on behalf of the City to the extent funds are available from the landowners and the City Street Funds, after payment of priority streets, to pay the paving cost for non-listed, non-priority street requested to be paved. Contracts shall be entered into by the Mayor in the order the contract and the deposits are received by the City. (Ord. No. 544 §§1–7, 2-3-97; Ord. No. 856 §1, 5-18-09)

ARTICLE V. BUILDING AND CODE ENFORCEMENT DEPARTMENT

SECTION 500.040: BUILDING AND CODE ENFORCEMENT DEPARTMENT ESTABLISHED

A Building and Code Enforcement Department has been established by the City. The composition of the Building and Code Enforcement Department shall be as follows:

1. *City Engineer.* The City Engineer shall have an engineering degree and be licensed in the State of Missouri. He shall be the head of the department and shall perform all engineering surveys, studies, designs or other services required of a professional engineer.
2. *Head Building Inspector.* The Head Building Inspector shall be the head of the department, in the absence of a City Engineer. The Head Building Inspector shall be charged with enforcement of the Building Code, inspection of all construction or major structural renovations, reviewing all applications for new construction and major structural renovations, issuing permits, acting as Zoning Inspector under Chapter 400 of the Code, acting as enforcement officer of the flood control ordinances, acting as enforcement officer of the substandard building ordinances, assisting the Fire Chief in fire inspections, performing such other duties as may be directed by the Mayor, City Engineer and City Administrator, and may perform any task which the Health Officer may also perform.
3. *Building Inspector.* The Building Inspector shall be the head of the department, in the absence of a Head Building Inspector and City Engineer. The Building Inspector shall perform those duties which the Head Building Inspector may perform as directed to be

performed by the Head Building Inspector, Mayor, or City Administrator. In addition, the Building Inspector may perform any task which the Health Officer may also perform.

4. *Health Officer.* The Health Officer shall be charged with the enforcement of the City's property use restriction ordinances, advertising sign restriction ordinances, home occupation ordinances, solid waste complaints, erosion complaints, weed complaints, animal control ordinances, junk and junk automobiles ordinances, and may perform such other related duties as may be directed by the City Engineer, Head Building Inspector, Building Inspector, City Administrator or Mayor.
5. All employees of the Building and Code Enforcement Department shall have the authority to issue tickets and summons for appearance in Municipal Court to any individual who fails to comply with any provisions of any ordinances for which the Building and Code Enforcement Department has supervision and enforcement power. Any persons thereafter convicted shall be subject to the penalties set forth in Section 110.010 of the Scott City Code. (Ord. No. 657 §5, 4-17-00)

CHAPTER 505: ELECTRICAL CODE

SECTION 505.010: ADOPTION OF ELECTRICAL CODE

- A. A certain document dated 2002, titled National Electrical Code 2002, published by National Fire Protection Association, Inc., three (3) copies of which are on file in the office of the City Clerk of the City of Scott City, Missouri, being marked and designated as the 2002 National Electrical Code is hereby adopted as the Electrical Code of the City of Scott City, Missouri, for the control of building and structures as herein provided and each and all other regulations, provisions, penalties, conditions and terms of the International Electrical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with additions, insertions, deletions and changes, if any, prescribed in the Section of this Code.
- B. Any person violating the provisions of the Electrical Code shall be guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed ninety (90) days, or by both fine and imprisonment. Each day a violation under the Electrical Code continues shall constitute a separate offense. (CC §47.010; Ord. No. 689 §3, 7-16-01; Ord. No. 758 §2, 7-6-04; Ord. No. 758 §2, 7-6-04; Ord. No. 773 §§1,3, 1-17-05)

SECTION 505.020: PERMITS AND FEES IMPOSED

No person shall install new wiring, renovate fifty-one percent (51%) or more of existing wiring, or replace any service panels, without first obtaining a permit from the Building Inspector. The charge for an electrical permit shall be twenty-five dollars (\$25.00). (Ord. No. 689 §4, 7-16-01)

CHAPTER 510: PLUMBING CODE

ARTICLE I. GENERAL PROVISIONS

SECTION 510.010: ADOPTION OF PLUMBING CODE

- A. A certain document dated 2003, titled International Plumbing Code 2003, published by International Code Council, Inc., three (3) copies of which are on file in the office of the City Clerk of the City of Scott City, Missouri, being marked and designated as the International Plumbing Code 2003 is hereby adopted as the Plumbing Code of the City of Scott City, Missouri, for the control of building and structures as herein provided and each and all other regulations, provisions, penalties, conditions and terms of the International Plumbing Code 2003 are hereby adopted and made a part hereof, as if fully set out in this Code, with additions, insertions, deletions and changes, if any, prescribed in this Section of this Code.
- B. Any person violating the terms of the Plumbing Code shall be guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed ninety (90) days, or by both fine and imprisonment. Each day a violation of the Plumbing Code continues shall constitute a separate offense. (Ord. No. 124 §2, 4-9-84; Ord. No. 689 §5, 7-16-01; Ord. No. 755 §1, 6-21-04; Ord. No. 758 §3, 7-6-04; Ord. No. 755 §1, 6-21-04; Ord. No. 758 §3, 7-6-04; Ord. No. 773 §§1,4, 1-17-05)

SECTION 510.020: LICENSE, PERMIT AND FEES REQUIRED FOR PLUMBING IMPROVEMENTS

- A. It shall be unlawful for any person to erect, install, altercate, add to, repair, relocate, replace, and maintain any plumbing system within the City of Scott City, Missouri, unless such person is licensed as provided in this Chapter and has obtained an applicable permit necessary from the Building Inspector.
- B. A permit will be required for any replacement of over forty percent (40%) of existing water and/or sewer lines or installation of any new water and/or sewer lines. The charge for a plumbing permit shall be twenty-five dollars (\$25.00). (Ord. No. 124 §2, 4-9-84; Ord. No. 689 §6, 7-16-01)

SECTION 510.030: EXAMINATION REQUIRED

No person shall receive a license as a plumber without first taking an examination prepared and given by the Building Inspector. All persons required to take an examination must obtain a passing mark, as set by the Building Inspector, to be eligible for a license. Any applicant who does not pass the test, may not be retested until thirty (30) days have elapsed since the date the person failed the test. No person may take the test on more than three (3) occasions per year. (Ord. No. 124 §2, 4-9-84)

SECTION 510.040: EXAMINATION FEE

An examination fee of twenty-five dollars (\$25.00) is assessed for each examination prior to the issuance of a plumbing license. Plumbers shall also be required to procure a contractors license as provided in Section 600.080 of the Code. (Ord. No. 124 §2, 4-9-84; Ord. No. 872 §1, 12-21-09)

SECTION 510.050: LICENSE EXPIRATION DATE

The initial license issued to plumbers shall commence the date of issue and terminate on June thirtieth (30th). Thereafter, licenses may be renewed for a period of one (1) year, commencing July first (1st) until June thirtieth (30th). Contractors license fees set forth in Section 600.080 shall apply. Any licensee who allows his license to lapse for a period up to and including thirty (30) days shall be required to pay one-half (½) of the original license fee as penalty fee. Over a thirty (30) day delinquency requires a mandatory re-examination and payment of the penalty fee. (Ord. No. 124 §2, 4-9-84; Ord. No. 872 §2, 12-21-09)

SECTION 510.060: EXEMPTION

Any owner may do work in a single-family dwelling in which he resides without being licensed, but shall not be allowed to turn on and off the water at the City meter unless they have paid a twenty-five dollar (\$25.00) deposit with the City Clerk.
(Ord. No. 124 §2, 4-9-84)

ARTICLE II. USE OF LEAD BASE MATERIALS BANNED**SECTION 510.070: LEAD BAN—GENERAL POLICY**

A. *Purpose.* The purpose of this Article is:

1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
2. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.

B. *Application.* This Article shall apply to all premises served by the public drinking water system of the City of Scott City, Missouri.

C. *Policy.* It is the City's intent to ban the use of lead base materials in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.
(Ord. No. 369 §1, 6-1-92)

SECTION 510.080: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Article:

CONSUMER: The owner or person in control of any premises supplied by or in any manner connected to a public water system.

LEAD BASE MATERIALS: Any material containing lead in excess of the quantities specified in this Section in the definition of "*Lead Free*".

LEAD FREE: When used with respect to solder and flux, refers to solders and flux containing not more than two-tenths percent (0.2%) lead.

PUBLIC DRINKING WATER SYSTEM: Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

WATER PURVEYOR: The Public Works Director or his authorized agent. (Ord. No. 369 §2, 6-1-92)

SECTION 510.090: LEAD BANNED FROM WATER PLUMBING

- A. The Building Inspector shall not issue a permit for plumbing construction, pursuant to Section 500.020 (3) of the City Code, unless the contractor or owner has provided the Inspector with plans and specifications or other satisfactory documentation reflecting that lead free materials are to be used in the plumbing construction.
- B. After installation or improvement of any plumbing system and prior to water connection, the consumer shall allow the water purveyor to inspect the premises to ensure that lead free materials were not used in the construction or improvement of the plumbing system.
- C. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of drinking water plumbing after June 1, 1992. (Ord. No. 369 §3, 6-1-92)

CHAPTER 515: HOUSING CODE

SECTION 515.010: ADOPTION OF HOUSING CODE

- A. A certain document dated 2003, titled International Residential Code 2003, published by the International Code Council, Inc., three (3) copies of which are on file in the office of the City Clerk of the City of Scott City, Missouri, being marked and designated as the International Residential Code 2003 is hereby adopted as the Housing Code of the City of Scott City, Missouri, for the control of building and structures as herein provided and each and all other regulations of the International Residential Code 2003 are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with additions, insertions, deletions and changes, if any, prescribed in this Section of this Code.
- B. Any person violating the terms of the Housing Code shall be guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed ninety (90) days, or by fine and imprisonment. Each day a violation of the Housing Code continues shall constitute a separate offense. (CC §45.010; Ord. No. 773 §§1, 5, 1-17-05)

CHAPTER 520: FIRE PREVENTION CODE

SECTION 520.010: ADOPTION OF FIRE PREVENTION CODE

- A. A certain document copy written 2002, titled International Fire Code 2003, published by the International Code Council, Inc., three (3) copies of which are on file in the office of the City Clerk of the City of Scott City, Missouri, being marked and designated as the International Fire Code 2003 is hereby adopted as the Fire Prevention Code of the City of Scott City, Missouri, for the control of buildings and structures as herein provided and each and all other regulations, provisions, penalties, conditions and terms of the International Fire Code 2003 are hereby adopted and made a part hereof, as if fully set out in this Code, with additions, insertions, deletions and changes, if any, prescribed in this Section of this Code.
- B. Any person violating the terms of the Fire Prevention Code shall be guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed ninety (90) days, or by both fine and imprisonment. Each day a violation of the Fire Prevention Code continues shall constitute a separate offense. (CC §48.010; Ord. No. 689 §7, 7-16-01; Ord. No. 773 §§1, 6, 1-17-05)

SECTION 520.020: SECURED KEY ACCESS

- A. All new commercial and/or manufacturing buildings which have a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the Fire Department in case of an emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. Such box shall be provided with master keys necessary to access portions of the premises in case of an emergency.
- B. The key box shall be in a type approved by the Chief of the Scott City Fire Department and shall be located and installed as approved by the Chief. (Ord. No. 728 §1, 5-19-03)

CHAPTER 522: MECHANICAL CODE

SECTION 522.010: ADOPTION OF MECHANICAL CODE

- A. A certain document with a copyright of 2003, titled International Mechanical Code 2003, published by the International Code Council, Inc., three (3) copies of which are on file in the office of the City Clerk of the City of Scott City, Missouri, being marked and designated as the International Mechanical Code 2003 is hereby adopted as the Mechanical Code of the City of Scott City, Missouri, for the control of buildings and structures as herein provided and each and all other regulations, provisions, penalties, conditions and terms of the International Mechanical Code 2003 are hereby adopted and made a part hereof, as if fully set out in this Code, with additions, insertions, deletions and changes, if any, prescribed in this Section of this Code.
- B. Any person violating the terms of the Fire Prevention Code shall be guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed ninety (90) days, or by both fine and imprisonment. Each day a violation of the Fire Prevention Code continues shall constitute a separate offense. (Ord. No. 689 §10, 7-16-01; Ord. No. 773 §§1, 7, 1-17-05)

SECTION 522.020: PERMIT AND FEES REQUIRED FOR MECHANICAL IMPROVEMENTS

- A. No person shall do any contract of a mechanical nature with regard to any new building or major structural renovation, without first obtaining from the Building Inspector a permit.
- B. The following shall be considered major renovation for the purposes of receiving a permit: Replacement of air-conditioning units, heating units, boilers, duct systems, process piping, and so forth. The charge for each mechanical permit shall be twenty-five dollars (\$25.00). (Ord. No. 689 §10, 7-16-01)

CHAPTER 525: DANGEROUS/SUBSTANDARD BUILDINGS

SECTION 525.010: DANGEROUS/SUBSTANDARD BUILDINGS DEFINED

All buildings or structures which have any or all of the following defects shall be deemed "dangerous/substandard buildings":

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used or intended to be used.
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of this City.
5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
6. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of evacuation.
8. Those which have parts thereof which are so attached that they may fall and injure property or members of the public or upon the property of others or the occupants thereof.
9. Those which are uninhabited and are open at the door, window, wall or roof.

10. Those under construction upon which no substantial work shall have been performed for ninety (90) days following the notice issued under Section 525.060 of this Chapter for the completion or demolition thereof.
11. Those in the process of demolition upon which no substantial work shall have been performed for a period of fourteen (14) days immediately following the time a notice shall issue to complete the demolition thereof under Section 525.060 of this Chapter.
12. Those containing therein substantial accumulations of trash, garbage or other materials susceptible to fire or constituting or proving a harboring place for vermin or other obnoxious animals or insects or in any way threatening the health of the occupants thereof or the health of persons in the vicinity thereof.

13. Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City. (CC §41.010; Ord. No. 774 §1, 3-21-05; ord. No. 891 §1, 3-1-10)

SECTION 525.020: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in ordering repair, vacation or demolition:

1. If the "dangerous/substandard building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the "dangerous/substandard building" is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In any case where a "dangerous/substandard building" is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter it shall be demolished. In all cases where a "dangerous/substandard building" is a fire hazard existing or erected in violation of any provision of this Code or other ordinance of the City or Statute of the State, it shall be repaired or demolished. (CC §41.020; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.030: DANGEROUS/SUBSTANDARD BUILDINGS ARE NUISANCES

All dangerous/substandard buildings within the terms of Section 525.010 of this Code are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided. (CC §41.030; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.040: BUILDING INSPECTORS

Any person so designated by the Mayor with approval of the City Council shall be "Building Inspectors" within the meaning of this Chapter at a set compensation agreed upon by all parties. (CC §41.040; Ord. No. 689 §8, 7-16-01; Ord. No. 774 §1, 3-21-05)

SECTION 525.050: DUTIES OF BUILDING INSPECTORS

The Building Inspectors shall:

1. Inspect or cause to be inspected semi-annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings, and all dwellings for the purpose of determining whether any conditions exist which render such places to be a "dangerous/substandard building" within the terms of Section 525.010 of this Chapter.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter.
3. Inspect any building, wall or structure reported as probably existing in violation of the terms of this Chapter.

4. Report to the City Council any non-compliance with the provisions of this Chapter. (CC §41.050; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.060: CITY COUNCIL TO GIVE NOTICE

Upon receipt of the notice provided for in Section 525.050(4) and upon determining that there is cause to believe that the structure involved is a "dangerous/substandard building" within the terms of Section 525.010, the City Council shall:

1. Notify in writing, either by personal service or by certified mail, return receipt requested; or if service cannot be had by either of these modes of service, then by publication in a newspaper qualified to publish legal notices, for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of any building found by him to be a "dangerous/substandard building" within the standards set forth in Section 525.010 of this Code that:
 - a. The owner must vacate, vacate and repair, or vacate and demolish said building in accordance with the terms of the notice and this Chapter;
 - b. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;
 - c. Mortgagee, agent or other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County may at his own risk repair, vacate or demolish said building or have such work or act done;

Provided, that any person notified under Section 525.060(1) to repair, vacate or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

2. Set forth in the notice provided for in Section 525.060(1) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous/substandard building" and an order requiring the same to be put in such condition as to comply with the terms of this Chapter within such length of time, not exceeding thirty (30) days, as is reasonable.
3. Place a notice on all "dangerous/substandard buildings" reading as follows:

"This building has been found to be a dangerous/substandard building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County. It is unlawful to remove this notice until such notice is complied with." (CC §41.055; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.070: BUILDING COMMISSIONER

The City Council shall act as the Building Commissioner under this Chapter. (CC §41.060; Ord. No. 774 §1, 3-21-05)

SECTION 525.080: DUTIES OF COUNCIL

The City Council shall, if the owner, occupant or lessee does not comply with the notice given under the provisions of Section 525.060, do the following:

1. Upon receipt of a report of non-compliance, give a second (2nd) written notice, at least twenty-one (21) days prior to the hearing date specified in the notice, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous/substandard building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the notice provided for in Section 525.060(1).
2. Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the County shall offer relative to the "dangerous/substandard building".
3. Make written findings of fact from the testimony offered pursuant to Subsection (2) hereof as to whether or not the building in question is a "dangerous/substandard building" within the terms of Section 525.010.
4. Issue an order based upon findings of fact made pursuant to Subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the County to repair, vacate or demolish any building found to be a "dangerous/substandard building" within the terms of this Chapter and provided that any person so notified shall have the privilege of either vacating or repairing said dangerous/substandard building; or any person not the owner of said dangerous/substandard building but having an interest in said building as shown by the land records of the County may demolish said dangerous/substandard building at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous/substandard building" stands by the City as provided in Subsection (5) hereof.
5. If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection (4) hereof within thirty (30) days, the City Council then shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 525.020, and shall with the assistance of the City Attorney cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal

lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this City, the Council shall notify the City Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

6. Report to the City Attorney the names of all persons not complying with the order provided for in Section 525.080(4) hereof.
7. If no insurance proceeds are available, at the written request of the taxpayer, the special tax bill provided for by Subsection (5) may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the maximum rate per annum allowed by law on the unpaid balance of the special assessment computed from the date of issuance. If any annual payment of principal

or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable.

If request for ten (10) annual payments is not made prior to the time the City Attorney shall certify the cost of the work to the City Clerk, the tax bill shall be payable in sixty (60) days from its date of issuance with interest thereon at the maximum rate per annum allowable by law. (CC §41.070; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.085: INSURANCE PROCEEDS FROM DAMAGE OR LOSS

- A. Tax bills issued under Section 525.080(5) shall be prima facie evidence of the validity of the bill, the doing of the work and liability of the property and property owner for the damages stated in the bill and shall be collected if default should occur by suit brought in a court a competent jurisdiction by the City Attorney on behalf of the City. Judgment in any such suit shall be special and against the property only and shall be satisfied by sale of property or so much thereof as is necessary to satisfy the judgment and the costs of the sale.
- B. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, and if the covered claim payment is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure, then the following procedure shall apply:
1. The insurer shall withhold from the covered claim payment ten percent (10%) of the covered claim payment and shall pay that amount to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Section. If a special tax bill or assessment is issued by the City for the expenses of demolition of such building as a dangerous/substandard building, the monies held by the City shall be applied toward payment of the special tax bill or assessment. If there is any excess, it shall be paid by the City to the insured or as the terms of the policy, including any endorsements thereto, provide.
 2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subparagraph (1) of this Subsection to the insured or as the terms of the policy and endorsements thereof provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Section 525.080. If the City has proceeded under the provisions of Section 525.080, all monies in excess of that necessary to comply with the provisions of Section 525.080 for removal of the building or structure, less salvage value, shall be paid to the insured.

3. The City may certify that, in lieu of payment of all or part of the covered claim payment under this Section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the City shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.
4. No provision of this Section shall be construed to make the City a party to any insurance contract. (Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.090: APPEAL TO CIRCUIT COURT

Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in a "dangerous/substandard building" as shown by the land records of the Recorder of Deeds of the County may, within thirty (30) days from the receipt of the order of the City Council provided for by Section 525.080 (4) of this Code, appeal such decision to the Circuit Court of the County wherein the land is located, pursuant to the procedure established in Chapter 536, RSMo. (CC §41.080; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.100: EMERGENCY CASES

In cases where it reasonably appears that there is immediate danger to the life or safety of a person unless a dangerous/substandard building as defined in Section 525.010 is immediately repaired, vacated or demolished, the Building Inspector shall report such facts to the City Council of the City and the City Council shall cause the immediate repair, vacation or demolition of such dangerous/substandard building. The costs of such emergency repair, vacation or demolition of such building shall be collected in the same manner as provided in Section 525.080(5). (CC §41.090; Ord. No. 774 §1, 3-21-05; Ord. No. 891 §1, 3-1-10)

SECTION 525.110: LIABILITY FOR WRONGFUL ACTION

In the event any building or structure is wrongfully demolished by this City, or is demolished without adhering to the procedures provided in this Chapter, the City shall be liable for damages as determined by a court of law in a suit brought by the party so damaged. (CC §41.110; Ord. No. 774 §1, 3-21-05)

SECTION 525.115: PERMIT AND FEES REQUIRED FOR DEMOLITION OF BUILDINGS

No person shall demolish any building or structure without first submitting an application to the Building Inspector specifying the building or structure to be demolished, the method of demolition, the contractor or person(s) who will perform said demolition and the time frame for said demolition. No person shall demolish any structure or building without first obtaining a permit from the Building Inspector. The charge for each demolition permit shall be twenty-five dollars (\$25.00). (Ord. No. 689 §9, 7-16-01; Ord. No. 774 §1, 3-21-05)

CHAPTER 530: EXCAVATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 530.010: PERMIT REQUIRED

No person shall dig into, construct, repair, use, alter or in any way disturb any public alleyway, street, highway or sidewalk without first obtaining a permit to do so from the Building Inspector. In addition, no person shall do any fill/grading work on any ditches, culverts, drain ways or trenches, which would change the natural flow of water, without first obtaining a permit to do so from the Building Inspector.

EXCEPTION: When City offices are closed, and an emergency arises requiring excavation or fill/grading work, it will be excusable to make the excavation without a permit, but the City must be notified immediately after the office opens. (Ord. No. 135 §1, 8-20-84; Ord. No. 689 §11, 7-16-01)

SECTION 530.020: APPLICATION FOR PERMIT

Any person desiring a permit required by this Chapter shall make application therefor to the City Clerk on forms provided by the City for such purposes.
(Ord. No. 135 §2, 8-20-84)

SECTION 530.030: FEES

The City Clerk on behalf of the City shall receive the following fees for issuing the permit required by this Chapter:

1. For excavation in sidewalks or to any streets, alley or highway in which the excavation is made:
 - a. Sidewalks, the sum of ten dollars (\$10.00).
 - b. Gravel surface, the sum of ten dollars (\$10.00).
 - c. Asphalt surface, the sum of ten dollars (\$10.00).
 - d. Concrete surface, the sum of ten dollars (\$10.00).
2. For fill/grading, the sum of twenty-five dollars (\$25.00). (Ord. No. 135 §3,

SECTION 530.040: BOND REQUIRED

- A. The City Clerk shall not issue the permit required by this Chapter unless the applicant therefor has first executed into the City, and deposited with the City Clerk, a bond with a corporate surety in the sum of three thousand dollars (\$3,000.00) for utility contractors and five hundred dollars (\$500.00) for residential contractors conditioned that said

applicant will perform faithfully all work with due care and skill and in accordance with the provisions of this Code, ordinances and regulations of the City.

- B. In lieu of the required surety bond, an applicant may deposit with the City Clerk a certified check drawn on some good and solvent bank in the amount of three thousand dollars (\$3,000.00) for utility contractors and five hundred dollars (\$500.00) for residential contractors, and payable to the City. Said check shall be kept by the City Clerk to insure that applicant will perform faithfully all work with due care and skill and in accordance with the provisions of this Code, ordinances and regulations of the City. In the event that applicant fails to perform all work with due care and skill, or in the event that applicant violates the provisions of this Code, regulations and ordinances of the City, said check shall be forfeited to the City and cashed by the City Clerk, and the proceeds of said check shall be used to pay for any damage occasioned by said failure.
(Ord. No. 135 §4, 8-20-84)

SECTION 530.050: LIABILITY INSURANCE REQUIRED

The City Clerk shall not issue the permit required by this Chapter unless the applicant shall deposit a policy of general liability insurance, which shall be in full force and effect. Said policy shall provide for the payment of all claims of every kind and nature which applicant shall become legally obligated to pay by reason of the unskillfulness or negligence on the part of the applicant or his employees in performing the work for which the said permit was obtained. Said policy of general liability shall be a minimum of three hundred thousand dollars (\$300,000.00). (Ord. No. 135 §5, 8-20-84; Ord. No. 689 §13, 7-16-01)

SECTION 530.060: CONSENT OF DIRECTOR OF PUBLIC WORKS

The City Clerk shall not issue the permit required by this Chapter without first obtaining the written consent of the Director of Public Works or his designated representative. (Ord. No. 135 §6, 8-20-84)

SECTION 530.070: EXCAVATION IN CONCRETE AND ASPHALT STREETS

When using any mechanical device having steel pads or tracks for excavations on asphalt or concrete streets, said pads or tracks shall be covered with suitable material so as to not mar the asphalt or concrete surface of the street.

1. Excavations in concrete streets or sidewalks.

All cuts in concrete shall be a minimum of four (4) feet wide and shall be made with approved cutting tools so as to have a straight edge on the adjoining pavement.

All excavations in concrete shall have not less than six (6) inches of undisturbed soil on either side of the trench between trench and edge of adjoining concrete.

Holes in concrete require doweling before new pavement is poured. Dowels shall be one-half ($\frac{1}{2}$) inch deformed bars, eighteen (18) inches long with nine (9) inch

protrusion, eighteen (18) inches center to center, with a maximum of nine (9) inches to any corner of the hole. Place deformed bars one-half (½) depth of pavement.

2. Excavations in asphalt streets.

All cuts in asphalt streets shall be made by proper cutting tools so as to not crack or disturb asphalt beyond width of trench. (Ord. No. 135 §7, 8-20-84)

SECTION 530.080: RESTORATION OF EXCAVATION

- A. Excavation in public parkways shall be re-filled and tamped in layers not to exceed six (6) inches in depth until restored to a density equal to surrounding material. The holder of the permit shall restore the parkway to the same condition as existed before the excavation.
- B. Excavations in concrete streets or sidewalks shall be filled with sand from bottom to within six (6) inches of the top of the existing concrete. The remaining six (6) inches shall be filled with portland cement mix as may be prescribed by the Director of Public Works. The holder of the permit shall replace said concrete to the same level as the adjoining concrete and where the new joins the old concrete that a firm bond is obtained. The top finish of the new concrete shall be the same as the old concrete it joins.
- C. Excavations in asphalt streets or alleys shall be filled with sand from the bottom to within six (6) inches of the top. The remaining six (6) inches of the excavation shall be filled with 6 bag mix concrete. The new concrete shall be well compacted and where the new concrete joins the old asphalt, a firm bond shall be obtained and the level of the new concrete surface shall be the same as the old asphalt surface it joins.
- D. Excavations in gravel streets or alleys shall be filled with sand from the bottom to within twelve (12) inches of the top. The remaining twelve (12) inches shall be filled and tamped with crushed stone and said stone shall be tamped in layers not to exceed six (6) inches in depth.
- E. Unpaved areas, where disturbed, shall be levelled and seeded or conformed to surrounding area. (Ord. No. 135 §8, 8-20-84; Ord. No. 313 §9, 10-1-90)

SECTION 530.090: PROTECTION OF PUBLIC

Whoever shall in this City dig, make or cause to be dug, any excavation in any street, avenue, alley or other public place, or in any place immediately adjoining the same, and

shall fail or neglect to place or cause to be placed around and along such excavation such barriers as shall be sufficient to prevent persons, animals or vehicles from falling into such excavation, or shall fail or neglect to keep or cause to be kept a red light burning during the night or other warning device approved for use after dark, at each end of such excavation shall be deemed guilty of a misdemeanor. (Ord. No. 135 §9, 8-20-84)

SECTION 530.100: PERMIT RESTRICTIONS

- A. Where the excavation extends across the entire street, the street may not be closed to traffic without permission of the City Traffic Engineer. The permit holder shall notify

the Fire Department of the time the street will be closed and opened.

B. All excavations in gravel and asphalt streets, including parkways, shall be completed within five (5) days after date of issuance. A penalty of ten dollars (\$10.00) per day shall be charged beginning on the sixth (6th) day and continuing until completion unless an extension of time is granted by the Director of Public Works upon request of permit holder prior to expiration date.

C. All excavations in concrete streets and sidewalks shall be completed within fifteen (15) days after issuance of permit. A penalty of ten dollars (\$10.00) per day shall be charged beginning on the sixteenth (16th) day and continuing until completion unless an extension of time is granted by the Director of Public Works upon request of permit holder prior to expiration date.

The permit holder shall keep barricades around the concrete excavation area for five (5) days after replacement to give sufficient time for curing of new concrete. Where excavation extends across an entire street, then permit holder shall replace the concrete on one-half (½) of the street at a time.

D. The permit holder shall be responsible for maintenance of excavation they make in streets, sidewalks and parkways for period of six (6) months from date of issuance of permit. Upon notice by the Director of Public Works, the permit holder shall make any necessary repairs within eight (8) hours after notification. Failure to do so by the permit holder, the City shall make the necessary repairs and charge all costs to the permit holder. (Ord. No. 135 §10, 8-20-84)

SECTION 530.110: EXEMPT PARTIES

Utility companies who do their own work and pay franchise tax, shall be exempt from section 530.030 Of this chapter. Contractors working for utility companies are not exempt from section 530.030 Of this chapter. (Ord. No. 135 §11, 8-20-84)

ARTICLE II. DRAINAGE PIPES ON CITY RIGHT OF WAYS

SECTION 530.120: INSTALLATION OF DRAINAGE PIPES ON CITY RIGHT OF WAYS

A. Any resident wishing to install a drainage pipe under his or her driveway which is located

on a City right-of-way shall make application to the City's Public Works Director for said installation.

- B. Upon receipt of said application, the Public Works Director shall view the location of the proposed installation and shall approve the application, unless he determines the installation of the drainage pipe would impede the flow of surface water or cast surface water onto adjoining property to the detriment of adjoining property owners.
- C. Upon approval of said application, the Public Works Director shall notify the applicant of what materials are required and the exact specifications for complete installation of the pipe specifying the length, dimension and construction of the pipe and, thereafter, the resident shall purchase the materials required and commence installation. A final inspection of the installation by the Public Works Director will be conducted upon completion of installation. Failure to properly install said pipe may result in penalties and fines as stated in this Code.

- D. No drainage pipe shall be installed which is less than twelve (12) inches in diameter. The maximum and minimum diameters for drainage pipes shall be determined by the Public Works Director. (Ord. No. 385 §1, 11-2-92; Ord. No. 701 §1, 3-4-02)

CHAPTER 535: FLOODPLAIN MANAGEMENT

Editor's Note—Ord. no. 712, adopted December 2, 2002, repealed sections 535.010–535.210 and enacted the new provisions set out herein. Former sections 535.010–535.210 derived from ord. no. 187 Art. I–VII, 2-17-87; ord. no. 387 §§1–3, 10-19-97; ord. no. 689 §14, 7-16-01.

FACT ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF AND PURPOSES

SECTION 535.010: STATUTORY AUTHORIZATION

The legislature of the State of Missouri has in Section 77.530, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the City Council of Scott City, Missouri, ordains as follows. (Ord. No. 712, 12-2-02)

SECTION 535.020: FINDINGS OF FACT

- A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of the City of Scott City, Missouri, are subject to 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. *General Causes Of The Flood Losses.* These flood losses are caused by:
1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- C. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's most recent FIS and illustrative materials dated May 4, 1988, as amended, and any future revisions thereto.
2. Calculations of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood. (Ord. No. 712, 12-2-02; Ord. No. 763 §1, 7-19-04)

SECTION 535.030: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Section 535.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(c) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard. (Ord. No. 712, 12-2-02)

ARTICLE II. GENERAL PROVISIONS**SECTION 535.040: LANDS TO WHICH CHAPTER APPLIES**

This Article shall apply to all lands within the jurisdiction of the City of Scott City Flood Insurance Rate Map (FIRM) dated May 4, 1988, and Scott County's Flood Insurance Rate Maps (FIRM), Panels 28 and 50 dated September 6, 1989, amended, and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except through the issuance of a floodplain development permit granted by the City of Scott City or its duly designated representative under such safeguards and restrictions as the City of Scott City or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV. (Ord. No. 712, 12-2-02; Ord. No. 763 §2, 7-19-04)

SECTION 535.050: FLOODPLAIN ADMINISTRATOR

The City Building Inspector is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. 712, 12-2-02)

SECTION 535.060: COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. No. 712, 12-2-02)

SECTION 535.070: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Ord. No. 712, 12-2-02)

SECTION 535.080: INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, 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 State Statutes. (Ord. No. 712, 12-2-02)

SECTION 535.090: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Scott City, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. No. 712, 12-2-02)

SECTION 535.100: SEVERABILITY

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. No. 712, 12-2-02)

ARTICLE III. ADMINISTRATION**SECTION 535.110: FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 535.040. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development. (Ord. No. 712, 12-2-02)

SECTION 535.120: DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Building Inspector is hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. 712, 12-2-02)

SECTION 535.130: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Building Inspector shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the State of Missouri Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. When floodproofing techniques are utilized for a particular non-residential structure, the Building Inspector shall require certification from a registered professional engineer or architect. (Ord. No. 712, 12-2-02)

SECTION 535.140: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract,

house and street address or similar description that will readily identify and specifically locate the proposed structure or work;

2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Identify the existing base flood elevation and the elevation of the proposed development;

6. Give such other information as reasonably may be required by the Building Inspector;
7. Be accompanied by plans and specifications for proposed construction; and
8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority. (Ord. No. 712, 12-2-02)

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 535.150: GENERAL STANDARDS

- A. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any unnumbered or numbered A Zones, AE, AO and AH Zones, unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- D. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
 1. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Construction with materials resistant to flood damage;

3. Utilization of methods and practices that minimize flood damages;
4. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- E. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
- F. *Storage, Material And Equipment.*
 1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning. (Ord. No. 712, 12-2-02)

SECTION 535.160: SPECIFIC STANDARDS

In all areas identified as unnumbered and numbered A Zones, AE and AH Zones, where base flood elevation data have been provided as set forth in Article IV, Section 535.150(B), the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor,

including basement, elevated to one (1) foot above base flood level.

2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 535.130(9).

3. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. 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 shall be provided; and
 - b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. No. 712, 12-2-02)

SECTION 535.170: MANUFACTURED HOMES

- A. All manufactured homes to be placed within all unnumbered and numbered A Zones, AE and AH Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist 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.
- B. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones, AE and AH Zones on the community's FIRM on sites:
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision; or
 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an

adequately anchored foundation system to resist flotation, collapse and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones, AE and AH Zones on the community's FIRM, that are not subject to the provisions of Article IV, Section 535.170(B) of this Chapter, be elevated so that either:
1. The lowest floor of the manufactured home is at one (1) foot above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches

in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ord. No. 712, 12-2-02)

SECTION 535.180: AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the areas of special flood hazard as described in Article II, Section 535.040 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones.*

- a. All new construction and substantial improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial improvements of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or, together with attendant utilities and sanitary facilities, be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths shall be required around structures on slopes in order to guide floodwaters around and away from proposed structures.

2. *AH Zones.*

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article IV, Section 535.160 and Section 535.170.
- b. Adequate drainage paths shall be required around structures on slopes in order to guide floodwaters around and away from proposed structures. (Ord. No. 712,

SECTION 535.190: FLOODWAY (AS DETERMINED FROM DATA AVAILABLE FROM OTHER SOURCES)

If a community determines there are areas of special flood hazard that may be defined as floodway through the use of base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Article IV, Section 535.150(D)(6)(d), and determines this data is suitable as criteria for requiring that new construction, substantial improvements or other development in Zone A, the community must meet the standards below:

1. Adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. Prohibit encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. (Ord. No. 712, 12-2-02)

SECTION 535.200: TRAVEL TRAILER VEHICLES

Require that travel trailer vehicles, as defined in Section 400.030, placed on sites within all unnumbered and numbered A Zones, AO, AE and AH Zones on the community's FIRM either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the permitting, elevation and anchoring requirements for manufactured homes of this Chapter. (Ord. No. 712, 12-2-02)

ARTICLE V. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION 535.210: ESTABLISHMENT OF APPEAL BOARD

The Scott City Board of Adjustments as established by the City of Scott City shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. 712, 12-2-02)

SECTION 535.220: RESPONSIBILITY OF APPEAL BOARD

- A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Building Inspector, the applicant

may apply for such floodplain development permit or variance directly to the Appeal Board as defined in Article V, Section 535.210.

- B. The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement or administration of this Chapter. (Ord. No. 712, 12-2-02)

SECTION 535.230: FURTHER APPEALS

Any person aggrieved by the decision of the Board of Adjustments or any taxpayer may appeal such decision to the Scott County Circuit Court as provided in Sections 536.100–536.140, RSMo. (Ord. No. 712, 12-2-02; Ord. No. 763 §3, 7-19-04)

SECTION 535.240: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:

1. The danger to life and property due to flood damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges. (Ord. No. 712, 12-2-02)

SECTION 535.250: CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots

with existing structures constructed below the base flood elevation, providing Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State inventory of historic places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
1. A showing of good and sufficient cause,
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, 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 nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- F. A community shall notify the applicant in writing over the signature of a community official that:
1. The issuance of a variance to construct a structure below base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 2. Such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Ord. No. 712, 12-2-02)

SECTION 535.260: CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

- A. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 535.240 and 535.250 of this Chapter.
- B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Article IV, Section 535.150(D)(2) of this Chapter.
3. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Article IV, Section 535.150(D)(1) of this Chapter. All of the building's structural components must be

capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.

4. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 535.150(D)(4) of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 535.160(A)(3) of this Chapter.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 535.190 of this Chapter. No variances may be issued for accessory structures within any designated floodway if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 - b. Such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. 712, 12-2-02)

ARTICLE VI. PENALTIES FOR VIOLATION

SECTION 535.270: PENALTIES FOR VIOLATION

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Scott City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 712, 12-2-02)

ARTICLE VII. AMENDMENTS**SECTION 535.280: AMENDMENTS**

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Scott City. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the [Article 5, Section F(10)] National Flood Insurance Program (NFIP) regulations. (Ord. No. 712, 12-2-02)

ARTICLE VIII. DEFINITIONS**SECTION 535.290: DEFINITIONS**

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

100-YEAR FLOOD: See "*BASE FLOOD*".

ACCESSORY STRUCTURE: The same as "*APPURTENANT STRUCTURE*".

ACTUARIAL RATES: See "*RISK PREMIUM RATES*".

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

APPEAL: A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the

principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the structure having its floor subgrade (below ground level) on all sides.

BUILDING: See "*STRUCTURE*".

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

COMMUNITY: Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY: A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: 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 before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:

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: 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 or runoff of surface waters from any source.

FLOOD ELEVATION DETERMINATION: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "FLOODING").

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY: 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.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway, as determined from data available from other sources, conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a 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;
2. 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;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MOBILE HOME: A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP: The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood

elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MOBILE HOME PARK OR SUBDIVISION: A mobile home park or subdivision for which the construction of facilities for servicing the lot 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 the effective date of floodplain management regulations adopted by the community.

(NFIP): The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY ALSO KNOWN AS AN ELIGIBLE COMMUNITY: A community in which the Administrator has authorized the sale of flood insurance.

PERSON: Includes any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

PRINCIPALLY ABOVE GROUND: At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

REMEDY A VIOLATION: To bring the structure or other development into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA: See "*AREA OF SPECIAL FLOOD HAZARD*".

SPECIAL HAZARD AREA: An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A, AO, AE or AH.

START OF CONSTRUCTION: Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements were within one hundred eighty (180) days of the permit date. The "*actual start*" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, 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, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or

sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "*actual start of construction*" means the first (1st) 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.

STATE COORDINATING AGENCY: That agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a

manufactured home. "*Structure*", for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair but does not include building materials or supplies intended for use in such construction, alteration or repair unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum 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".

TRAVEL TRAILER: A vehicular portable structure built on a chassis, self-propelled or designed to be pulled by another vehicle, which is designed to be or actually used as a temporary dwelling for travel, recreation or vacation.

VARIANCE: A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height in relation to the National Geodetic Vertical

Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain. (Ord. No. 712, 12-2-02)