

## Chapter 170

### FLOODPLAIN REGULATIONS

#### FLOODPLAIN ORDINANCE For Communities without a FIRM

WHEREAS the Village of Dickeyville wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 44 CFR Part 60.3(a)

WHEREAS the Village of Dickeyville wishes to minimize potential losses due to periodic flooding including loss of life, loss of 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.

WHEREAS the State of Wisconsin has delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

THEREFORE, the Village Board of Village of Dickeyville, Wisconsin, in order to determine which developments would increase the flood hazard or be damaged by flooding, does ordain the following measures within the jurisdictional limits of this community.

#### **Section 1: Permit Requirements<sup>1</sup>**

- A. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible official.
- B. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.
- C. No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible official.

#### **Section 2: Permit Application**

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible official (fees to be determined) before the issuance of a permit will be considered.

#### **Section 3: Duties of the Building Inspector**

- A. The Building Inspector hereinafter referred to as the responsible official, is appointed as the official responsible for receiving applications and examining the plans and specifications for the proposed construction or development.
- B. After reviewing the application, the responsible official may require any additional measures which are necessary to meet the minimum requirements of this ordinance.
- C. The responsible official shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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<sup>1</sup> A Community may reword the provisions of this Section providing that the minimum requirements of 44 CFR Part 60.3(a)(1) are met.

#### **Section 4: Review of Permit Application**

The responsible official shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

- A. Designed, or modified, and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. Constructed with materials and utility equipment resistant to flood damage,
- C. Constructed by methods and practices that minimize flood damage, and
- D. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **Section 5: Review of Subdivision Proposals**

The responsible official shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- C. Adequate drainage is provided to reduce exposure of flood hazard.

#### **Section 6: Water Supply System**

The responsible official shall require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

#### **Section 7: Sanitary Sewage and Waste Disposal Systems**

The responsible official shall require within flood prone areas:

- A. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and
- B. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

#### **Section 8: Annexations and Extraterritorial Jurisdiction**

The Village of Dickeyville shall not approve any development located in a Special Flood Hazard Area (SFHA) outside the corporate limits unless such development or plat is in the accordance with the following:

- A. A floodplain ordinance legally adopted by the Village of Dickeyville that meets the minimum federal (44 CFR 60.3), state and local requirements for development within a Special Flood Hazard Area.
- B. The SFHA's of those parts of unincorporated Grant that are within the extraterritorial jurisdiction of the Village of Dickeyville or that may be annexed into the Village of Dickeyville are generally identified as such on the Flood Insurance Rate Map (FIRM) dated (\*DATE) prepared by the Federal Emergency Management Agency (FEMA);

#### **Section 9: Definitions**

**"Development"** Any man-made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

**"Flood"** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

**"Floodplain" or "Flood Prone Area"** Any land area susceptible to being inundated by water from any source (see Flood).

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

**"Manufactured Home"** A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities.

**"New Construction"** means, 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 a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**"Person"** includes any individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**"Structure"** For floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

**"Substantial Improvement"** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure regardless of the actual work performed. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

#### **Section 10: Penalty**

Any person who violates this ordinance shall upon conviction thereof be fined not less than \$50. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

#### **Section 11: Abrogation and Greater Restriction**

- A. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction.
- B. Where this ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 12: Severability**

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

**Section 13: Effective Date**

PASSED by the village board of the Village of Dickeyville, Wisconsin, this 20<sup>th</sup> day of July 2011.