

ORDINANCE NO. 32-A-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SIBLEY BY AMENDING ORDINANCE 32-A WHICH PROVIDES A FLOOD DAMAGE PREVENTION ORDINANCE TO READ AS FOLLOWS:

BE IT ORDAINED by the Mayor and Board of Alderman of the Town of Sibley, Louisiana, in regular session duly convened on September 18, 1997 as follows:

SECTION I.

That Ordinance Number 32 A of the Code of Ordinances of the Town of Sibley, Louisiana, is hereby modified and amended as follows:

A. To Article II., Definitions, the following definitions are added:

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of all alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN MANAGEMENT - means 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 - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING - means any combination of structural and nonstructural 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.

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FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

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

HISTORIC STRUCTURE - means any structure that is:

(a) 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;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either.

(1) By an approved state program as determined by the Secretary of the Interior or;

(2) Directly by the Secretary of the Interior in states without approved

programs.

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

B. The former definitions of **APPEAL** and **HABITABLE FLOOR** are hereby deleted.

C. The following definitions in Article II. are hereby amended:

DEVELOPMENT - Add the following phrase to the end of the definition: **or storage of equipment or materials.**

MANUFACTURED HOME - Change the last sentence in the definition to read: The term "manufactured home" does not include a "recreational vehicle".

NEW CONSTRUCTION - Change to read: means, for the purpose 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.

START OF CONSTRUCTION - Insert **rehabilitation, addition** between "reconstruction" and "placement" in first sentence. Add after last sentence in definition: **For a substantial improvement, the actual start of construction means the first 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.**

SUBSTANTIAL IMPROVEMENT - Change to read: means any **reconstruction, rehabilitation, addition, or other improvement** of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This 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 which have been identified by the local code enforcement official and which are the minimum necessary 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".

D. ARTICLE IV., ADMINISTRATION IS HEREBY AMENDED AS FOLLOWS:

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

(2) Insert, including the placement of manufactured homes, after "building site".

(6) Change "Department of Urban and Community Affairs" to Louisiana Department of Transportation and Development.

Add new paragraph:

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, SE, and AH on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

SECTION C. PERMIT PROCEDURES

(1) Insert including the placement of manufactured homes, after "structures".

SECTION D. VARIANCE PROCEDURES

Add new paragraph:

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Renumber old paragraphs (9) to (10) and (10) to (11).

E. ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION B. SPECIFIC STANDARDS

Change reference in introduction from "Article 5, Section C(4)" to Article 5, Section C(3).

(3) Enclosures - insert are usable solely for parking of vehicles, building access or storage in an area other than a basement and which after the word "that" in the first sentence.

(4) Manufactured Homes -

a. Insert on a community's FHBM or FIRM after "Zone A" in the first sentence.

b. Replace paragraph with: Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Replace paragraph with: Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (4)b. of this section be elevated so that either

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less 36 inches in height above grand and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Add new paragraph:

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (I) be on site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or, (iii) meet the permit "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) Insert the placement of before "manufactured home parks".

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(3) Insert the placement of before "manufactured home parks".

(4) Insert the placement of before "manufactured home parks".

(5) Insert the placement of before "manufactured home parks".

SECTION E. FLOODWAYS

(1) Change to read Encroachments are prohibited, 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.

Add new paragraph:

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

II. All other ordinances or parts of ordinances in conflict herewith are hereby repealed and amended.

III. If any provisions or items of this ordinance or the application thereof is held invalid such invalidity shall not affect other provisions, items or applications of this ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

All ordinances or parts thereof in conflict herewith are hereby repealed and amended.

This ordinance was read in sections and as a whole and on motion of Leon Snyder seconded by Andy Fish, was adopted by the following vote:

YEAS: 5

NAYS: 0

ABSENT: 0


LARRY MERRITT, MAYOR

ATTEST:


VILLAGE CLERK