

CHAPTER 11

BUILDING AND FIRE CODES

SECTION 1: BUILDING CODES

a) In General.

The adopted building codes regulate construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, demolition, or renovation of any building, structure, or appurtenance and any related mechanical, plumbing, or electrical device or system, within the City and as adopted by the State.

b) Adopted Building Codes.

The following building codes are effective upon adoption of this Code, unless otherwise noted:

- 1) Standard Building Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.
- 2) Standard Mechanical Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.
- 3) Standard Plumbing Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.
- 4) Standard Gas Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.
- 5) Standard Housing Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.
- 6) Standard Swimming Pool Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.
- 7) CABO One- and Two-Family Dwelling Code, 1989 edition or subsequent editions.

- 8) National Electrical Code, 1990 edition or subsequent editions, published by the National Fire Protection Association, Quincy, Massachusetts, effective November 1, 1990, with one amendment (A) and two exceptions (B and C) as follows:
- A) Conductor Protection; Raceways. All buildings, additions, and other structures shall have all electrical conductors used for the purpose of carrying lighting or power current over fifty (50) volts AC installed in a listed and approved raceway. This requirement shall not apply to single and two-family dwellings or their accessory structures.
 - B) Aluminum wiring: The use of aluminum wiring in construction in the City of Umatilla shall be prohibited.
 - C) Wiring. Any wire smaller than number twelve (12) is prohibited for use in construction in this City.
 - D) Electrical Disconnects.
 - 1) All structures constructed after the date of adoption of this section shall be required to have an electrical disconnect located outside of the structure and easily accessible by the City Utilities Department and/or Fire Department. The electrical disconnect may be locked with a lock approved by the Fire Chief or appointed representative.
 - 2) If the electrical meter is replaced, repaired or modified or if an electrical permit is obtained on an existing structure it shall be required to have installed an electrical disconnect located outside of the structure and easily accessible by the Utilities Department and/or Fire Department.
 - 3) A structure is defined for the purpose of this chapter of the Code as any building that has electrical service. Electrical disconnect is a fused electrical disconnection or circuit breaker that will terminate the electrical current flow to the structure either from an overload situation or from being manually disengaged. The disconnect shall be a minimum of one hundred (100) amp capacity and shall be installed on the outside of the building not more than seven (7) feet or less than four (4) feet from the ground and within (7) feet of the meter.

- 9) Standard Unsafe Building Abatement Code, 1985 edition or subsequent editions, including all appendices, as published by the Southern Building Code Congress International Inc., Birmingham, Alabama.

SECTION 2: FIRE CODES

a) In General.

Adopted Fire Codes for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use of handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.

b) Adoption of Standard Fire Prevention Code.

The Standard Fire Prevention Code, 1991 edition or subsequent editions, with amendments, including all appendices, promulgated by the Southern Building Code Congress International, Inc., is adopted.

c) Adoption of Life Safety Code.

The Life Safety Code, 1988 edition or subsequent editions, including all appendices, promulgated by the National Fire Protection Association is hereby adopted.

SECTION 3: BUILDING PLANS AND PERMITS

The provisions of this chapter relate to the construction and fire safety codes for development. It shall be the duty of the Building Official to enforce this chapter.

SECTION 4: PERMIT REQUIRED

No building or other structure shall be erected, moved, demolished, added to, or structurally altered without a permit therefore, issued by the Building Official.

SECTION 5: PERMIT APPLICATION

a) Application Documents.

Application for building and building related permits shall be submitted to the Building Official. Such submittal shall include the application form as provided

by the City, together with all required associated documents and fees depending upon the type of permit being sought as further described below:

- 1) Building Permit. Applications for constructing new buildings and additions to existing buildings shall include two (2) complete sets of construction plans, one (1) certified property survey for the subject property, and one (1) site development plan showing the proposed improvements to the property.
 - A) Exceptions. The site development plan may be omitted if the proposed improvement is completely interior to an existing structure and does not alter any exterior dimensions of any improvement on the site.
- 2) Electrical, Plumbing, and Mechanical Permit. Applications for work which is regulated by any of the adopted codes, other than the Building Code, shall include two (2) complete sets of plans showing the proposed work in sufficient detail and clarity to allow for a thorough plan examination to determine compliance with all applicable Code provisions.
 - A) Exceptions. The plans may be omitted upon determination by the Building Official that the work is relatively minor in scope, routine in nature, and can be adequately described on the application without any additional documents.

b) Applicant's Credentials.

Each applicant for any permit shall be properly licensed and insured in accordance with current State of Florida laws and regulations and shall have a current, valid state certified contractor's license or a Lake County Contractor Registration card.

- 1) Exception. An owner-building who meets all the criteria established by Florida Statute as determined by the City, provided that an Unlicensed Contractor Affidavit is sworn to by such owner-building and witnessed by a Notary Public.

c) Receiving Permit Applications.

When any permit application is submitted to the Building Official, the application and the applicant's credentials shall be verified to ensure that they are complete and are accompanied by all required information and documents. Such application must be accompanied by a notarized owner's affidavit in the event the application is made by anyone other than the owner. Once the application and the applicant's credentials have been verified, the application and all accompanying

documents shall be stamped with the date. The Building Official shall not accept any applications from any person who does not have the proper credentials, nor shall the Building Official accept any application which is not complete or has any required information or document omitted. In the event the application is found to be incomplete, the Building Official shall promptly contact the applicant and assure that the application is completed, or shall return the application to the applicant.

d) Approving Application Documents.

The Building Official shall review the application and documents for compliance with applicable codes and regulations.

1) Disapproval. If the Building Official determines that the documents are not in compliance with all applicable codes and regulations, then the applicant shall be informed of the reason for disapproval, and shall maintain an ongoing dialogue with the Building Official to facilitate a resolution of the problem.

2) Approval. If the Building Official determines that the documents are in compliance with all application codes and regulations and there is no need for a preliminary inspection of the subject property to be conducted, the Building Official shall promptly issue the permit.

e) Issuance of Permit.

Upon approval from the Building Official, the applicant shall be contacted by the City and requested that the permit be picked up and the final fees be paid.

SECTION 6: BUILDING PERMIT

a) License to Proceed.

A permit is simply a license to proceed with the proposed work and grants no authority to violate, cancel, alter, or set aside any applicable code, regulation, requirement, ordinance or law, regardless of what may be shown or omitted on the permit documents, and regardless of any agreement with any official.

b) Time Limits.

Time limits on building permits shall be as stated in the Standard Building Code Appendix a-103.15.

c) Fees.

All building permit fees and related fees shall be paid in accordance with the current fee ordinance adopted by the City Council.

d) Posting Permit on Job Site.

No work requiring a permit shall commence until the issued permit placard is conspicuously posted on the job site adjacent to the parcel's road frontage in such manner and location that affords it protection from the weather and allows the inspector to conveniently make written entries. If the placard is lost or destroyed, a duplicate replacement shall be secured from the City on the first workday after such loss.

SECTION 7: INSPECTIONS

a) Preliminary Inspection.

Before a permit is issued, the Building Official may examine any building for which an application has been received for a permit to enlarge, alter, repair, move, demolish, or change of occupancy.

b) Required Inspections.

Upon notice from the contractor of record (permit holder), the following inspections shall be conducted:

- 1) Electric Service. This inspection shall be conducted after the temporary or permanent service equipment is in place, with the meter socket open, main disconnect installed, grounding installed, bracing in place, and any non-weather-tight equipment protected from rain.
- 2) Footer. This inspection shall be conducted after the site is excavated with the trenches open, forms in place, and reinforcement secured.
- 3) First Rough Plumbing and Electric. This inspection shall be conducted after the under-slab plumbing piping and electrical raceways are in place, with the piping exposed at all joints, drains holding a ten (10) foot water head, and distribution piping holding water at street pressure or air at one hundred (100) p.s.i.
- 4) Slab Inspection. This inspection shall be conducted after the excavation is back filled, compacted, and treated for pest control, with the vapor barrier in place, slab reinforcement in place, and any necessary form work in place.

- 5) Framing Inspection or Rough Structural Inspection. This inspection shall be conducted after the structural members are erected and secured, with wind load ties installed, all bracing installed, firestops in place, sub-sheathing attached, and any work that will be covered or concealed prior to the next inspection, installed.
 - 6) Electrical Second Rough Inspection. This inspection shall be conducted after all wiring, raceways, equipment, and device boxes that will be covered or concealed prior to the next inspection, is installed.
 - 7) Plumbing Second Rough Inspection. This inspection shall be conducted after all piping, vents, valves, fixtures, and anything that will be covered or concealed prior to the next inspection, is installed.
 - 8) Mechanical Rough Inspection. This inspection shall be conducted after all duct work, fire dampers, equipment and anything that will be covered or concealed prior to the next inspection, is installed.
 - 9) Insulation Inspection. (Florida Energy Code) This inspection shall be conducted as required by the Building Official depending on the type of construction performed on the structure. It is the applicant's responsibility to contact the Building Official to determine the appropriate time to schedule such inspection.
 - 10) Final Inspection. This inspection shall be conducted after the electric, water, and sewer utilities are hooked up, heating and cooling system is functioning, all code required items are installed, grading is finished, landscaping is completed, driveways and sidewalks are installed, the property is cleared of all construction debris and waste, temporary toilet is removed, temporary electric pole is taken down, house numbers are visible from the street, any City agreements, conditions, or restrictions are complied with, and all fees are paid in full.
- c) Combination Inspections ("Rough-All Inspections").

The framing, electrical second rough, plumbing second rough, and mechanical second rough inspections shall be combined into a combination inspection, whenever possible.

SECTION 8: CERTIFICATE OF OCCUPANCY

a) Building Occupancy.

No new building or addition shall be used or occupied in whole or in part, nor shall there be any change of occupancy, change in use, or change in nature of a use, until after the Building Official issues an appropriate certificate of occupancy.

b) Contents of Certificate of Occupancy.

A certificate of occupancy shall contain the recognized street address of the subject property, the common name of the property, if any, the nature of the occupancy, the number of occupants permitted, and the maximum floor loading when it is limited.

SECTION 9: FLOOD DAMAGE PREVENTION

a) Statutory Authorization.

The Legislature of the State of Florida has in Chapters 125, 163 and 166, Florida Statutes, delegated the responsibility of local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City does ordain the following provisions as its regulations governing flood damage prevention.

b) Findings of Fact.

The City hereby finds:

- 1) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- 2) These flood losses are caused by the cumulative effort of obstructions in floodplains causing increased in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.

c) Statement of Purpose.

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

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

d) Objectives.

The objectives of this chapter are:

- 1) To protect human life and health;
- 2) To minimize expenditure of public money for costly flood control projects;
- 3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in floodplains;
- 6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

- 7) To ensure that potential home buyers are notified the property is in a flood area.

SECTION 10: LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City.

SECTION 11: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOR HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood hazard boundary map (FHBM) No. 120139, dated April 3, 1989, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

SECTION 12: COMPLIANCE

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

SECTION 13: ABROGATION AND GREATER RESTRICTIONS

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 14: INTERPRETATION

In the interpretation of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the City and deemed neither to limit nor repeal any other powers granted under the State Statutes.

SECTION 15: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This chapter does not imply that land outside the areas of special

flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any office or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 16: **DESIGNATION OF FLOOD DAMAGE
PREVENTION OFFICIAL**

The City Clerk is hereby appointed to administer and implement the provisions of this chapter.

SECTION 17: **DEVELOPMENT PERMIT**

A development permit shall be required in conformance with the provisions of this chapter; prior to the commencement of any development activities occurring within those areas of special flood hazards identified above.

SECTION 18: **PERMIT PROCEDURES**

a) Application.

Application for development permit for development occurring within those areas of special flood hazards shall be made to the City Clerk on forms furnished by the City prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fills, storage of materials, draining facilities, and the location of the foregoing. Specifically, the following information is required:

1) Application Stage.

- A) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
- B) Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;
- C) Provide a certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure meets the flood-proofing criteria in Section 22(a)(2); and
- D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

- 2) Construction Stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed or, in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City Clerk a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City Clerk shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION 19:

DUTIES AND RESPONSIBILITIES OF THE CITY CLERK

a) Duties:

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

- 1) Review all development permits to assure that the permit requirements of this chapter have been satisfied;
- 2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit;
- 3) Notify adjacent communities and the State Department of Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- 4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

- 5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 18(a)(2).
- 6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 18(a)(2).
- 7) When flood-proofing is utilized for a particular structure, the City Clerk shall obtain certification from a registered professional engineer or architect, in accordance with Section 18(a)(2).
- 8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
- 9) When base flood elevation data has not been provided in accordance with Section 11, then the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of this chapter.
- 10) All records pertaining to the provisions of this chapter shall be maintained in the office of the City Clerk and shall be open for public inspection.

SECTION 20:

VARIANCE PROCEDURES

a) Procedures.

The following procedures shall apply when a variance from these regulations is sought:

- 1) The Planning and Zoning Board shall hear and decide appeals and requests for variances from the requirements of this chapter.
- 2) The Planning and Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this Chapter.
- 3) Any person aggrieved by the decision of the Planning and Zoning Board or any taxpayer may appeal such decision to the Circuit Court of the Fifth

Judicial Circuit in and for Lake County, as provided in Section 163.250, Florida Statutes.

- 4) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- 5) In passing upon such an application, the Planning and Zoning Board shall consider all standards specified in other sections of this chapter, and:
 - A) The danger that materials may be swept onto other lands to the injury of others;
 - B) The danger to life and property due to flooding or erosion damage;
 - C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D) The importance of the services provided by the proposed facility to the community;
 - E) The necessity to the facility of a waterfront location, where applicable;
 - F) The availability of alternative locations not subject to flooding or erosion damage, for the proposed use;
 - G) The compatibility of the proposed use with existing and anticipated development;
 - H) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - K) The costs 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, and streets and bridges.

- 6) Upon consideration of the factors listed above and the purposes of this chapter, the Planning and Zoning Board may attach such condition to the granting of variances as it deems necessary to further the purposes of this chapter.
- 7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 8) Conditions for variances shall be:
 - A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - B) Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - C) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - D) The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 21: **GENERAL STANDARDS**

a) Requirements.

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

- 1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- 2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- 3) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- 4) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters onto the system.
- 5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 6) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 7) Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of “new construction” as contained in this chapter;
- 8) Manufactured Homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top of frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- 9) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 22:

SPECIFIC STANDARDS

a) Requirements.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 11 or Section 19(a)(9), the following provisions are required:

- 1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than eighteen inches (18”) above the 100 year flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- 2) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or other nonresidential

structure shall have the lowest floor, including basement, elevated no lower than eighteen (18”) above the level of the 100 year flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the official as set forth in Section 18(a)(2).

- 3) Elevated Buildings. New construction or substantial improvements of elevated building that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - A) Designs for complying with this requirement must be either certified by a professional engineer or architect or meet the following minimum criteria:
 - 1) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - B) Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
 - C) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - D) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- 4) Floodways. Located within areas of special flood hazard established in Section 11, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry

debris and potential projectiles and has erosion potential, the following provisions shall apply:

- A) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occupancy of the base flood discharge.
- B) If Sub-Section 3(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- C) Prohibit the placement of manufactured homes (mobile homes) except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, providing the anchoring standards of this Section, and the elevation standards of this Section are met.

SECTION 23: STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS OR FLOODWAYS

Located within the areas of special flood hazard established in Section 11, where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:

- a) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to the width of the stream at the top of the bank or twenty (20) feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occupancy of the base flood discharge.
- b) New construction or substantial improvements of structures shall be elevated or flood-proofed in accordance with elevations established in accordance with Section 19(a)(9).

SECTION 24: STANDARDS FOR SUBDIVISION PROPOSALS

The following standards shall be applied to subdivision proposals:

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

**SECTION 25: STANDARDS FOR AREAS OF SHALLOW FLOODING
(AO ZONES)**

Located within the areas of special flood hazard established in Section 11, are areas designated as shallow flooding. 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. Therefore, the following provisions apply:

- a) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to the depth number specified on the Flood Insurance Rate Map, in fee, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- b) All new construction and substantial improvements of nonresidential structures shall:
 - 1) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including the basement, shall be elevated at least two (2) feet above the highest adjacent grade; or
 - 2) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 26: PENALTY

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, 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), or imprisoned for not more than sixty (60) days, or both, 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 from taking such other lawful action as is necessary to prevent or remedy any violation.