

ARTICLE 5 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

Sec. 500-010 PURPOSE

The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the County municipal separate storm sewer system (MS4) to the maximum extent practicable as required by State and Federal law. This Article establishes methods for controlling the introduction of pollutants into the County MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater General Permit. The objectives of this Article are to:

1. Regulate the contribution of pollutants to the County MS4 by any person, property owner, site operator, etc;
2. Prohibit illicit discharges and illegal connections to the County MS4 ;
3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the County MS4; and,
4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

Sec. 500-020 PROHIBITIONS

A. Prohibition of Illicit Discharges

No person shall dispose, discard, drain, or otherwise discharge, cause, or allow others under its control to dispose, discard, drain, or otherwise discharge into the County MS4 any contaminated or polluted water, liquids, materials, waste products, etc, other than stormwater.

The following discharges to the MS4 are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, non-commercial car wash water, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
2. Discharges or flows from fire fighting, and other discharges specified in writing by the County as being necessary to protect public health and safety;

3. The prohibition provision above shall not apply to any non-stormwater discharge permitted under an approved NPDES permit or order issued to the discharger and administered under the authority of the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (USEPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the County MS4.

B. Prohibition of Illegal Connections

The construction, connection, use, maintenance or continued existence of any illegal connection to the County MS4 is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person violates this Article if the person connects a line conveying sewage to the County MS4, or allows such a connection to continue.
3. Improper connections in violation of this Article must be abated, disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system with approval of Newton County Water and Sewerage Authority.
4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the County.

Sec. 500-030 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an NPDES Industrial Stormwater Permit or NPDES Construction Activity Permit administered by the Georgia EPD shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to allowing discharges to the County MS4.

Sec. 500-040 ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES

Duly authorized representatives of the County shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this Article. Prior to entering private property, a County representative shall obtain the consent of the property owner or, if such consent is withheld, a duly issued search warrant.

1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the County.
2. The property owner or operator shall allow the County ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
3. The County shall have the right to set up on any property or facility such devices as are necessary in the opinion of the County to conduct monitoring and/or sampling of flow discharges.
4. The County may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the County. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and water quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
6. Unreasonable delays in allowing the County access to a facility is a violation of this Article.
7. If the County has been refused access to any part of the premises from which stormwater is discharged, and the County is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the County may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 500-050 NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the County MS4, State Waters, or Waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the County and other appropriate agencies (State, Federal, etc.) in person or by phone, facsimile no later than 24 hours after the discharge, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County Engineer's Office within three business days of the initial notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the property owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this Article.

Sec. 500-060 VIOLATIONS, ENFORCEMENT AND PENALTIES

A. Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. Any person who has violated or continues to violate the provisions of this Article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the County is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The County is authorized to seek costs of the abatement as outlined in subsection E of this Article.

B. Notice of Violation (NOV)

Whenever the County finds that a violation of this Article has occurred, the County may order compliance by a written NOV.

1. The NOV shall contain:
 - a. The name and address of the alleged violator;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this Article and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
 - f. A statement that the determination of violation may be appealed to the County by filing a written notice of appeal within ten (10) days of service of notice of violation.
2. Such notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and,
 - f. The implementation of pollution prevention practices.

C. Appeal of Notice of Violation (NOV)

Any person receiving a NOV may appeal the determination of the County. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the Director shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Director shall be final.

D. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the NOV, or in the event of an appeal, within 30 days of the decision of the County Engineer upholding the decision of the County, then representatives of the County may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

E. Costs of Abatement of the Violation

Within thirty (30) days after abatement of the violation, the owner of the property will be notified by the County of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within ten (10) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this Article shall become liable to the County by reason of such violation.

F. Civil Penalties

In the event the alleged violator fails to take the remedial measures set forth in the NOV or otherwise fails to cure the violations described therein within ten days, or such greater period as the County shall deem appropriate, after the County has taken one or more of the actions described above, the County may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal Penalties

For intentional and flagrant violations of this Article, the County may issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

H. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public

health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by applicable law.

I. Remedies Not Exclusive

The remedies listed in this Article are not exclusive of any other remedies available under any applicable Federal, State or local law and the County may seek cumulative remedies.

The County may recover attorney's fees, court costs, and other expenses associated with enforcement of this Article, including sampling and monitoring expenses.

ARTICLE 6- FLOODPLAIN MANAGEMENT

Sec. 600-010 PURPOSE

The purpose of this Article is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

- A. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- B. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- C. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- D. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- E. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- F. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

Sec. 600-020 APPLICABILITY

This Article shall apply to all areas of special flood hazard within the jurisdiction of Newton County.

Sec. 600-030 AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated July 5, 1983, with accompanying maps and other supporting data and any revisions thereto are adopted by reference and declared to be part of this Ordinance.

Sec. 600-040 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required in this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-

made or natural causes. This Article 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 Article shall not create liability on the part of Newton County or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Sec. 600-050 PERMIT PROCEDURES

Application for a Land Disturbance Permit shall be made in accordance with the established procedures. Specifically, the following information is required:

A. Application Stage:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
3. If flood-proofing is required, certificate from a registered professional engineer or architect that the non-residential flood-proofed structures will meet the flood-proofing in Section 600-080 (B) (2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

B. Construction Stage:

Provide a flood elevation or flood-proofing certification after the lowest floor is completed. Within 21 calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the County Building Official a certification of the elevation of the lowest floor or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified. When flood-proofing is used for a particular building, certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified. Any work done within the 21 calendar day period and prior to submission of the certification shall be at the permit holder's risk. The County Building Official shall review the Flood 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 shall be cause to issue a stop-work order for the project.

Sec. 600-060 DUTIES OF THE COUNTY BUILDING OFFICIAL

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

- A. Review all application for Land Disturbance Permits to ensure that the permit requirements of this Article have been satisfied.
- B. Advise permit holder 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 Land Disturbance Permit.
- C. Notify adjacent communities and the Department of Natural Resources, Georgia Geologic Survey, Flood Plain Management Unit, State of Georgia, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- D. Ensure that maintenance is provided within the altered or relocated portion of the affected watercourse so that the flood carrying capacity is not diminished.
- E. Verify and record the actual elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in accordance with this Ordinance.
- F. Verify and record the actual elevations (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed in accordance with this Ordinance.
- G. When flood-proofing is used for a particular structure, the County Building Official shall obtain certification from a registered professional engineer or architect in accordance with this Ordinance
- H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard or a conflict between a mapped boundary and actual field conditions exists, the County Building Official shall make the necessary determination. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- I. When base flood elevation data has not been provided in accordance with Section 600-030, then the County Building Official shall obtain, review, and reasonably use any base flood elevation data available from a federal, State or other source, in order to administer the provisions of Section 600-080.
- J. All records pertaining to the provisions of this Article shall be maintained in the office of the Director and shall be open for public inspection.

Sec. 600-070 SPECIAL EXCEPTION, WAIVER, AND APPEAL PROCEDURES

A. The Newton County Board of Zoning Appeals shall hear appeals of the Building Official's interpretation of the requirements of this Article and any requests for exceptions from or waivers of the requirements of this Article in accordance with the procedures and criteria established in Article 3 of this Ordinance.

B. In considering exceptions to this Article, the Newton County Board of Zoning Appeals shall specifically consider all technical evaluation, relevant factors, and standards specified in other sections and:

1. The danger that materials may be swept onto other lands;
2. The danger to life and property due to flooding or erosion damage;
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, in the case of a functionally dependent facility;
6. The availability of alternative locations, not subject to flooding or erosion 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 flood waters and the effects of wave action, if applicable, expected at the site; and
11. 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.

C. Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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

E. Any applicant to whom an exception 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.

F. The County Building Official shall maintain the records of all appeal actions and report any exceptions to the Federal Emergency Management Agency upon request.

Sec. 600-080 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

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

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent 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. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. 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 components during conditions of flooding.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
7. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment or contamination during flooding.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Article, shall meet the requirements of “new construction” as contained in this Ordinance.

10. Any alteration, repair, reconstruction or improvements to a building, which is not in compliance with the provisions of this Article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

B. Specific Standards

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in this Article, the following provisions are required:

1. Residential Construction

New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor including basement elevated to or above the base 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 in accordance with standards of Section 600-070 (B) (3).

2. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation. Buildings located in all A-zones, together with attendant utility and sanitary facilities, may be flood-proofed in lieu of being elevated provided that all areas of the building below the base flood level are water tight with walls substantially impermeable to the passage of water, and use structural components having the capacity 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 official as set forth in this Article.

3. Elevated Buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- i. Provided a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters 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); and
- d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions must meet all requirements for new construction, including elevation and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - i. The lowest floor of the manufactured home is elevated to or above the level of the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade, and the lowest floor be elevated to or above the level of the base flood elevation.
 - iii. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, any manufactured home placed or substantially improved on any lot receiving prior damage must meet the standards of subsection (4) (b).

c. All recreational vehicles placed on sites must either:

i. Be fully licensed and ready for highway use; or

ii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this Article above.

iii. 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 structures.

5. Floodways

Located within areas of special flood hazard established in this Article, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, 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 occurrence of the base flood discharge.

b. If subsection (5) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.

c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards in and the elevation standards and the encroachment standards (a) are met.

C. Standards For Development Proposals

1. All development proposals shall be consistent with the need to minimize flood damage.

2. All development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

D. Standards For Areas Of Shallow Flooding

Located within the areas of special flood hazard established in this Article are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall 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 basement, shall be elevated, at least three (3) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
 - a. 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 basement shall be elevated to at least three (3) feet above the highest adjacent grade, or;
 - b. 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 substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Sec. 600-090 FLOODPLAIN

A. All buildings located adjacent to the 100-year floodplain shall be constructed so that all portions of the structure, including the basement floor or crawl areas, shall be not less than three (3) feet above the 100-year flood elevations; however, structural support units may be located within the 100-year floodplain, provided they do not conflict with the hydrologic design characteristics of the approved plans and do not conflict with other requirements of this Section. Any structure or manufactured home so erected must be

designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed with flood-resistant materials and utility equipment resistant to flood damage. 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. Flood-proofing of residential construction will be in accordance with this Article. When flood-proofing is used for a non-residential structure, the Building Official shall obtain certification from a registered professional engineer or architect.

B. The profile elevation of the centerline of all public streets shall be constructed a minimum of one (1) foot above the 100-year flood elevation. Exceptions to this provision may be granted by the Building Official in cases where construction of the street elevation below the 100-year flood elevation would improve drainage or reduce the effects of flooding.

