

TOWN OF SLAUGHTERVILLE CODE OF ORDINANCES - PART 13  
CHAPTER 6

FLOOD DAMAGE PREVENTION

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## ARTICLE I

### STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

- § 13-601 Statutory authorization.
- § 13-602 Findings of fact.
- § 13-603 Statement of purpose.
- § 13-604 Methods of reducing flood losses.

#### § 13-601 STATUTORY AUTHORIZATION.

The legislature of the State of Oklahoma has in Tit. 82 O.S. §§1601-1618, as amended, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town of Slaughterville floodplain board adopts the following floodplain management regulations and recommends that the town board of trustees adopt the regulations as a town ordinance. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. I, §A]

#### § 13-602 FINDINGS OF FACT.

A. The flood hazard areas of the Town of Slaughterville, Oklahoma, are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. I §B]

#### § 13-603 STATEMENT OF PURPOSE.

It is the purpose of these regulations 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:

- A. protect human life and health;
- B. minimize expenditure of public money for costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;

E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. 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

G. ensure that potential buyers are notified that property is in a flood area. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. I §C]

§ 13-604      METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, these regulations use the following methods:

A. restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

D. control filling, grading, dredging and other development which may increase flood damage; and

E. prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. I §D]

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## ARTICLE II

### DEFINITIONS

§ 13-605 Definitions.

§ 13-605 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations its' most reasonable application.

“Accessory structure” means structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages, storage sheds, and other such structures).

“Area of shallow flooding” means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO or A1-99.

“Base flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base flood elevation” means the elevation in feet above the mean sea level of the base flood or one (1) percent chance flood.

“Basement” means any area of the structure having its floor sub-grade (below ground level) on all sides.

“Board” means the Oklahoma Water Resources Board.

“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

“Development” means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Development permit” means the document provided by the Town of Slaughterville after appropriate application is submitted and approved.

“Elevated building” means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

“Existing manufactured home park or subdivision” 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” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters; or
2. the unusual and rapid accumulation or runoff of surface waters from any source.

“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 (FIS)” 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 floodway width, section area and mean velocity.

“Floodplain administrator” means a person accredited by the board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

“Floodplain” or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of flooding).

“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 federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system includes but is not limited to, hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“Flood proofing” means 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.

“Floodway” or “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 that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes 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:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a) by an approved state program as determined by the Secretary of the Interior or;

b) directly by the Secretary of the Interior in states without approved programs.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

“Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

“Manufactured home park” or “Manufactured subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

“New Construction” 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.

“New manufactured home park” or “New manufactured 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:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

“Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit/zoning compliance permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first 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.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

1. a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. a manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (c) of this definition, or a gas or liquid storage tank.

"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 fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, 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 would not preclude the structure's continued designation as a "historic structure."

"Variance" is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

"Violation" means the failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Article II]

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## ARTICLE III

### GENERAL PROVISIONS

- § 13-606 Lands to which these regulations apply.
- § 13-607 Basis for reestablishing the areas of special flood hazard.
- § 13-608 Establishment of development permit.
- § 13-609 Compliance.
- § 13-610 Abrogation and greater restrictions.
- § 13-611 Interpretation.
- § 13-612 Warning and disclaimer of liability.

#### § 13-606 LANDS TO WHICH THESE REGULATIONS APPLY.

These floodplain management regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Slaughterville, Cleveland County, Oklahoma. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III §A]

#### § 13-607 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Cleveland County, Oklahoma and incorporated areas" dated September 26, 2008, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of these regulations effective September 26, 2008. However, the current set of adopted and approved floodplain management regulations and current FIS and FIRM for Cleveland County and incorporated areas dated January 20, 1999, shall be used until September 26, 2008. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III, §B]

#### § 13-608 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of these floodplain management regulations. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III, §C]

#### § 13-609 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of these regulations and other applicable regulations. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III, §D]

§ 13-610      ABROGATION AND GREATER RESTRICTIONS.

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III, §E]

§ 13-611      INTERPRETATION.

In the interpretation and application of these regulations, all provisions shall be:

- A.      considered as minimum requirements;
- B.      liberally construed in favor of the governing body; and
- C.      deemed neither to limit nor repeal any other powers granted under state statutes or federal laws. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III, §F]

§ 13-612      WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art.III, §G]

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## ARTICLE IV

### ADMINISTRATION

- § 13-613 Designation of the floodplain administrator.
- § 13-614 Duties and responsibilities of the floodplain administrator.
- § 13-615 Permit procedures.
- § 13-616 Variance procedures.

#### § 13-613 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The board of trustees for the Town of Slaughterville has appointed by resolution #62090 a floodplain coordinator, who shall now serve as floodplain administrator to administer and implement the provisions of these regulations and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. IV, §A]

#### § 13-614 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:

- A. maintain and hold open for public inspection all records pertaining to the provisions of these regulations;
- B. review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;
- C. review, approve or deny all applications for development permits required by adoption of these regulations;
- D. review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval are required;
- E. where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation;
- F. notify, in riverine situations, adjacent communities and the state coordinating agency, the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

G. assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

H. shall require a certified FEMA elevation certificate from the applicant/developer to administer these regulations effectively and reduce flood damage within the community;

I. when a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community;

J. 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, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first complies with 44 CFR, Chapter 1, Section 65.12;

K. become accredited by the board in accordance with Title 82 O.S. §§1601-1618, as amended; and

L. after a disaster or other type of damage occurrence to structures within the corporate boundary of the Town of Slaughterville, Oklahoma, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. IV, §B]

### § 13-615 PERMIT PROCEDURES.

A. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 13-618(2);

4. description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

5. maintain a record of all such information in accordance with Section 13-614(1).

B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of these regulations and the following relevant factors:

1. the danger to life and property due to flooding or erosion damage;

2. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. the danger that materials may be swept onto other lands to the injury of others;

4. the compatibility of the proposed use with existing and anticipated development;

5. the safety of access to the property in times of flood for ordinary and emergency vehicles;

6. the costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. 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;

8. the necessity to the facility of a waterfront location, where applicable;

9. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. the relationship of the proposed use to the comprehensive plan for that area. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. IV, §C]

§ 13-616      VARIANCE PROCEDURES.

A. The board of adjustment shall hear and render judgment on requests for variances from the requirements of these regulations.

B. The board of adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of these regulations. Appeals shall only be taken within thirty (30) days from the date the decision was made and the appropriate fee as shown

in the fee schedule shall be paid. The appeal process as outlined in the zoning ordinance shall be followed.

C. Any person or persons aggrieved by the decision of the board of adjustment may appeal such decision to the courts of competent jurisdiction.

D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. 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 these regulations.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot the size of which is in conformity with the zoning ordinance for the town contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 13-615(B) of this article have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of these regulations, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations Section 13-603 and so long as the requirements set forth in this section are met.

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

I. 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.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a) showing a good and sufficient cause;

b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause

fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances.

3. A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation.

K. Variances may be issued by the town for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. the criteria outlined in Section 13-616(A)-(I) are met, and
2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

L. Any person seeking a variance shall file a petition with the board of adjustment, accompanied by a filing fee of twenty-five (\$25.00) dollars.

M. A copy of any variance issued shall be sent to the OWRB within fifteen (15) days of issuance.

N. Pursuant to Tit. 82 O.S. §1615(C), as amended, in no case shall variances be effective for period longer than twenty (20) years.

O. Variance requests must be published in accordance with Tit. 82 O.S. §1615(C), as amended.

P. All publication fees, as well as other actual costs incurred by the town, including but not limited to attorney fees, engineering fees, and other professional costs shall be paid by the applicant prior to the variance being granted. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art. IV, §D]

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## ARTICLE V

### PROVISIONS FOR FLOOD HAZARD REDUCTION

- § 13-617 General standards.
- § 13-618 Specific standards.
- § 13-619 Standards for subdivision proposals.
- § 13-620 Standards for areas of shallow flooding (AO/AH zones).
- § 13-621 Floodways.
- § 13-622 Enforcement and penalty for non-compliance.
- § 13-623 Certification.

#### § 13-617 GENERAL STANDARDS.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be 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.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §A]

§ 13-618      SPECIFIC STANDARDS.

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

A. Residential structure - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least one (1) foot above the base flood elevation. Also, the lowest adjacent grade shall be at least at or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in Section 13-615 (A)(1), is satisfied.

B. Nonresidential structure - new construction and substantial improvements of any commercial, industrial or other nonresidential structures shall have the lowest floor (including basement) elevated at least one (1) foot above the base flood elevation. Also, the lowest adjacent grade shall be at least at or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in Section 13-615 (A)(1), is satisfied.

C. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one (1) foot above grade; and
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured homes –

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-Beam elevated at least one (1) foot above the base flood elevation. For the purposes of this requirement, manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces and the home shall be installed by a licensed installer according to Oklahoma state law.

2. 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 on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I-Beam for the manufactured home is elevated at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Also, a licensed installer shall install the home in accordance to state law.

3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Section 13-618(D) be elevated so that the of the manufactured home shall have the bottom of the I-Beam elevated at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis and also installed by a licensed installer in accordance with state law.

E. Recreational vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. be on the site for fewer than one hundred and eighty (180) consecutive days;
2. be fully licensed and ready for highway use; or
3. meet the permit requirements of Section 13-615, and the elevation and anchoring requirements for "manufactured homes" in Section 13-618(D). 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.

F. Accessory structure – Require that accessory structures placed on sites within Zones A1-30, AH and AE on the community's FIRM comply with the following:

1. structure is low valued and represents a minimal investment;
2. structure shall be small and not exceed six hundred (600) square feet in size;
3. structure shall be unfinished on the interior;
4. structure can be used only for parking and limited storage;
5. structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
6. service facilities such as electrical and heating equipment must be elevated to or above the BFE or floodproofed;

7. structure is constructed and placed on building site to offer the minimum resistance to the flow of floodwaters;

8. structure is designed to have low flood damage potential i.e. constructed with flood resistance materials;

9. structure is firmly anchored to prevent flotation, collapse, and lateral movement;

10. floodway requirements must be met in the construction of the structure;

11. openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and

12. structure is to be located to ensure there will be no damage to adjacent and nearby structures.

G. Storage of items - Require that personal property, including but not limited to equipment, supplies, lumber, building materials, propane tanks, hay bales, debris, garbage, refuse, or any other object not be stored in a special flood hazard area unless fully contained and not subject to flotation. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §B]

#### § 13-619 STANDARDS FOR SUBDIVISION PROPOSALS.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 13-602, 13-603 and 13-604 of these regulations.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Section 13-608, 13-615, and the provisions of Article 5 of these regulations.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions within the Town of Slaughterville.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §C]

§ 13-620      STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in Section 13-607 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 where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow, therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

B. All new construction and substantial improvements of nonresidential structures;

1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or;

2. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

C. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this Section, as proposed in Section 13-615 are satisfied.

D. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from existing or proposed structures. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §D]

§ 13-621      FLOODWAYS.

Floodways - located within areas of special flood hazard established in Section 13-607 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. The following provisions shall apply:

A. 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.

B. If Section 13-621(A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

C. 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 complies with all of 44 CFR Chapter 1, Section 65.12. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §E]

§ 13-622 ENFORCEMENT AND PENALTY FOR NON-COMPLIANCE.

A. Any person who violates any provision of these regulations shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established by state law. Each day upon which such violation continues shall be deemed a separate offense. Furthermore, violation of these regulations shall be deemed a nuisance.

B. In case any building, structure or land is constructed, altered, converted, maintained or used in violation of these regulations, the Town of Slaughterville, Oklahoma, in addition to other remedies available, may institute any proper action or proceedings to prevent such unlawful activities, in order to restrain, correct or summarily abate such violation and nuisance. Nothing contained herein shall prevent the Town of Slaughterville from filing suit against the owner, operator, or licensee for violations of the provisions of these regulations and seek injunction, abatement of a nuisance or removal of the non-conformity as provided herein or any other appropriate relief as may be granted by the district court of this county. In the event a lawsuit is initiated, the Town of Slaughterville shall be entitled to all fines, attorney fees and costs incurred in the said lawsuit, which shall include the costs of bringing the action, service of process, expert fees, professional costs, the costs associated with the code enforcement officer, and any and all other costs which have been incurred.

C. The cost of removing or abating any non-conformity or nuisance may be collected by any other legal means available.

D. In cases where it is deemed impractical summarily to abate the nuisance, or if the property owner fails to comply with these regulations, then the Town of Slaughterville may bring suit in the district court of this county. All costs of bringing the suit, which shall include attorney fees, service of process fees, expert fees, all costs associated with abating the non-conformity or nuisance, fines, costs associated with the code enforcement officer, and all other costs shall be assessed against the property as provided herein.

E. Any violation of these regulations shall result in the Town of Slaughterville requesting and recouping from the violator all costs associated with the enforcement of these regulations, including but not limited to all attorney fees, court costs and all other costs associated with the code enforcement officer's time, professional costs, expert fees and all other expenses. No structure or land shall hereafter be constructed, located, extended, converted, or altered without

full compliance with the terms of these regulations. Violation of the provisions of these regulations by failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with conditions) shall result in legal action. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §F]

§ 13-623      CERTIFICATION.

It is hereby found and declared by the Town of Slaughterville floodplain board that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction in order to effectively comply with minimum standards for coverage under the national flood insurance program; and in order to effectively remedy the situation described herein, it is necessary that these regulations become effective. [Ord. No. 41 5/20/88; amended 6/19/90; amended 2/18/92; amended 2/18/97; amended 3/18/97; amended 12/15/98; amended 7/15/08, Ord. No. 41 Art V, §G]

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