

**SUMMARY PUBLICATION
PURSUANT TO KRS 83A.060**

ORDINANCE NO. 985-158

AN ORDINANCE RELATING TO FLOOD DAMAGE PREVENTION ESTABLISHING STANDARDS, PERMIT REQUIREMENTS, COST, PUNISHMENT FOR VIOLATIONS OF THESE REQUIREMENTS AND APPEAL PROCEDURES FOR THE CITY OF HUNTERS HOLLOW.

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

Whereas, the Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes 82.082 and Kentucky Revised Statutes 100 et seq. delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Whereas, the City Council of the City of Hunters Hollow based on its experience with floods within the City adopts the following:

SECTION B. FINDINGS OF FACT

- 1) The flood hazard areas of the City of Hunters Hollow are subject to periodic inundation which result 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 which adversely affect the public health, safety, and general welfare.
- 2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

Whereas, it is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

- 1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
- 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 accommodate or channel flood waters;
- 4) Control filling, 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 floodwaters or which may increase flood hazards to other areas.

SECTION D. OBJECTIVES

Whereas, the objectives of this ordinance are to:

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;
- 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) Minimize prolonged business interruptions;
- 5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
- 6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding; and,
- 7) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area.
- 8) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

ARTICLE 2. DEFINITIONS

ARTICLE 3. GENERAL PROVISIONS

SECTION A.	LANDS TO WHICH THIS ORDINANCE APPLIES
SECTION B.	BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS
SECTION C.	ESTABLISHMENT OF DEVELOPMENT PERMIT
SECTION D.	COMPLIANCE
SECTION E.	ABROGATION AND GREATER RESTRICTIONS
SECTION F.	INTERPRETATION
SECTION G.	WARNING AND DISCLAIMER OF LIABILITY
SECTION H.	ENFORCEMENT, VIOLATION NOTICE AND PENALTIES

- 1) Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.
- 2) Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.
- 3) Notice of Citation: Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the

violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

- 4) Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than Two Hundred Fifty Dollars (\$250.00) or imprisoned for not more than Ninety (90) 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 Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION

- SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR
- SECTION B. ESTABLISHMENT OF DEVELOPMENT PERMIT
- SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

- SECTION A. GENERAL CONSTRUCTION STANDARDS
- SECTION B. SPECIFIC STANDARDS
- SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS
- SECTION D. STANDARDS FOR SHALLOW FLOODING ZONES
- SECTION E. STANDARDS FOR SUBDIVISION PROPOSALS
- SECTION F. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'
- SECTION G. CRITICAL FACILITIES

ARTICLE 6. APPEALS AND VARIANCE PROCEDURES

ARTICLE 7. SEVERABILITY

Summary Prepared By:

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