

CHAPTER 16.52: PREVENTION OF FLOOD DAMAGE

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16.52.010 Definitions.

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

A. “Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provisions of this chapter or a request for a variance.

B. “Area of shallow flooding” means a designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate and velocity flow may be evident.

C. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”).

D. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

E. “Breakaway walls” means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not part of the structural support of the building and which are designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

F. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

G. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of floodwaters;

2. The unusual and rapid accumulation or runoff of surface waters from any source;

3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as provided in this definition.

H. “Flood Boundary and Floodway Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

I. “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

J. “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

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

L. “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.

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

N. “Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary

facilities, structures and their contents.

O. “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 one foot.

P. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Q. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of 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 requirements of this chapter.

R. “Manufactured home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for more than one hundred eighty consecutive days.

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

T. “Mean sea level” means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

U. “New construction” means structures for which the start of construction commenced on or after the effective date of this chapter.

V. “One-hundred-year flood” or “100-year flood” means a flood which has a one-percent annual probability of being equaled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.

W. “Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

X. “Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Y. “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Z. “Special Flood Hazard Area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as zone A, AO or A1-30.

AA. “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty 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 slabs 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 excavation for a 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 as part of the main structure.

BB. “Structure” means a walled and roofed building (including a gas or liquid storage tank) that is principally above ground, as well as a manufactured home.

CC. “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

DD. “Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

EE. “Violation” means the failure of a structure or other development to comply fully with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.011 Lands to Which this Chapter Applies.

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

The Special Flood Hazard Area identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Cupertino,” dated November, 1979, with accompanying Flood Insurance Rate Maps as amended from time to time, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file in the Department of Public Works.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.012 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent the City of Cupertino from taking such lawful action as is necessary to prevent or remedy any violation.

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

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.013 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;

B. Strictly construed; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.014 Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does 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. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.020 Establishment of Development Permit.

A development permit shall be obtained before new construction, substantial improvements or development (including the placement of prefabricated buildings and manufactured homes) begins within any area of special flood hazard established in Section 16.52.011. Application for a development permit shall be made on forms furnished by the Director of Public Works, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures; in zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any structure has been floodproofed;

C. All appropriate certificates listed in Section 16.52.021 C1 of this chapter;

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 1905, (part), 2002; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.021 Designation of Director of Public Works.

The Director of Public Works is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

The duties and responsibilities of the Director of Public Works shall include, but not be limited to:

A. Permit Review. The Director shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied, and that building sites are reasonably safe from flooding;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine whether the proposed development adversely affects the flood-carrying capacity of the floodway, or area where the base flood elevation has been determined but the floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 16.52.011 (Lands to which this chapter applies), the Director of Public Works shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 16.52.051 (Residential construction) and 16.52.052 (Nonresidential construction).

C. Information to be Obtained and Maintained. The Director shall:

1. Maintain for public inspection and make available the following certification:
 - a. Floor elevation, as required in Sections 16.52.051 and 16.52.052,
 - b. Elevations in area of shallow flooding in Sections 16.52.042 and 16.52.054,
 - c. Elevations/floodproofing of nonresidential structures in Section 16.52.052,
 - d. Wet floodproofing standard in Section 16.52.042E,
 - e. Subdivision standards in Section 16.52.044,
 - f. Floodway encroachments in Section 16.52.055;
2. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses. The Director shall:

1. Notify adjacent communities, Santa Clara Valley Water District, and the Department of Water Resources of the State of California prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. The Director shall make interpretations, where needed, as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 16.52.030 through 16.52.035.

F. Enforcement. The Director shall take action to remedy violations of this chapter as provided in Section 16.52.012.

(Ord. 1905, (part), 2002; Amended during May 1998 supplement; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.030 Appeal Board.

A. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Public Works in the enforcement or administration of this chapter.

1. Any person aggrieved by the decision of the Planning Commission may appeal such decision to the City

Council, in accordance with Section 8 of Procedural Ordinance No. 652.

2. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for the ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions a through k in subsection B2 of Section 16.52.030 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

4. Upon consideration of the factors in subsection B2 of Section 16.52.030 and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

5. The Director of Public Works shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(Ord. 1905, (part), 2002; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.035 Conditions for Variance Issuance.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

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

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

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. 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 or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded to run with the land.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.040 General Standards.

All Special Flood Hazard Areas are governed by the general standards set forth in Sections 16.52.040 through 16.52.044.

(Amended during May 1998 supplement; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.041 Anchoring.

A. All new construction and substantial improvements shall be 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 and replacement manufactured homes and substantial additions to manufactured homes shall:

1. Be elevated so that the lowest floor is one foot above the base flood elevation; and
2. Be securely anchored to a permanent foundation to resist flotation, collapse or lateral movement.

(Ord. 1822, (part), 1999; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.042 Construction Materials and Methods.

A. All new construction and substantial improvements shall be constructed with new materials and utility equipment resistant to flood damage.

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

C. All new construction and 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.

D. Within zone AO, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

E. All new construction and substantial improvements that fully enclose areas below the lowest floor that 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. Either 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 shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
2. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.043 Utilities.

Utility requirements are as follows:

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.044 Subdivision Proposals.

Requirements for subdivision proposals are as follows:

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood;
- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Director of Public Works;
- C. All subdivision proposals shall be consistent with the need to minimize flood damage;
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
- E. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(Ord. 1905, (part), 2002; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.050 Specific Standards (Unnumbered A Zones and Zones A1-30).

In all special flood hazards areas, including zones A1-30, where base flood elevation data has been provided as set forth in Section 16.52.011 (Lands to which this chapter applies) or subsection B of Section 16.52.021 (Use of other base flood data), or in unnumbered A zones where base flood level must be determined, the following additional provisions as set forth in this article are required.

(Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.051 Residential Construction.

New construction and substantial improvements shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the Community Building Inspector to be properly elevated. Such certification or verifications shall be provided to the Director of Public Works.

(Ord. 1905, (part), 2002; Ord. 1822, (part), 1999; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.052 Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Director of Public Works.

(Ord. 1905, (part), 2002; Ord. 1822, (part), 1999; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.053 Manufactured Homes.

A. Manufactured homes shall be anchored in accordance with subsection B of Section 16.52.041.

B. Improvements to manufactured home parks and manufactured home subdivisions as described in subparagraphs 4a through 4c of this subsection shall be required under the following circumstances:

1. For new manufactured home parks and manufactured home subdivisions;
2. For expansions to existing manufactured home parks and manufactured home subdivisions;
3. For existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced;
4. For manufactured homes not placed in a manufactured home park or manufactured home subdivision, it shall be required that:
 - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one foot above the base flood level;
 - b. Adequate surface drainage and access for a hauler are provided; and
 - c. In the instance of elevation of pilings, that lots are large enough to permit steps; piling foundations are placed in stable soil no more than ten feet apart; and reinforcement is provided for pilings more than six feet above the ground level.

(Ord. 1822, (part), 1999; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.054 Specific Standards (Zone AO).

The following provisions shall apply to any area designated an AO zone in Section 16.52.011. The requirements for drainage paths as specified in Section 16.52.042D shall apply to construction authorized within the AO zone.

A. Residential. All new construction and substantial improvements shall have the lowest floor, including basement, elevated above highest adjacent grade at least as high as the depth number specified on the FIRM or at least two feet above highest adjacent grade if no depth number is specified.

Certification: Upon completion of any new or substantially improved structure in zone AO, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community Building Inspector to be properly elevated. Such certificate or verification shall be provided to the Floodplain Administrator.

B. Nonresidential. All new construction and substantial improvements shall:

1. Be elevated as provided in subsection A of this chapter; or
2. Together with attendant utility and sanitary facilities be completely floodproofed 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;
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the Director of Public Works.

(Ord. 1905, (part), 2002; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.055 Floodways.

Located within areas of special flood hazard established in Section 16.52.011 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. If Section 16.52.051 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 16.52.040 through 16.52.044;

C. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision. (Amended during May 1998 supplement; Ord. 1412, Exhibit A (part), 1987; Ord. 1002, § 1.1 (part), 1980)

16.52.060 Penalty.

Except where otherwise specified, any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1.12.

(Ord. 1886, (part), 2001; Ord. 1412, Exhibit A (part), 1987; Ord. 1179, § 3 (part), 1982)