

The following ordinance was introduced by \_\_\_\_\_, and duly seconded by \_\_\_\_\_.

**AN ORDINANCE REVISING  
THE FLOOD PREVENTION AND PROTECTION  
ORDINANCE OF VERMILION PARISH  
ORDINANCE NO. 1998-O-02**

**STATUTORY AUTHORIZATION:** The Legislature of the State of Louisiana has in LSR 38.84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Police Jury of Vermilion Parish, Louisiana, does ordain as follows:

**WHEREAS**, the Vermilion Parish Police Jury originally adopted the Flood Prevention and Protection Ordinance on May 6, 1985 with amendments as follows:

June 3, 1985  
March 2, 1987

**WHEREAS**, the Federal Emergency Management Agency has amended certain rules of the National Flood Insurance Program; and

**WHEREAS**, because of these changes, the Vermilion Parish Police Jury is required to amend its local Flood Prevention and Protection Ordinance to remain in compliance with the federal program; and

**WHEREAS**, it is the desire of the Vermilion Parish Police Jury to comply with the requirements of the National Flood Insurance Program.

**NOW, THEREFORE, BE IT ORDAINED** that the Flood Prevention and Protection Ordinance, is hereby revised as follows:

**FLOOD PREVENTION AND PROTECTION**

**ARTICLE I. IN GENERAL**

**Sec. 1. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, and unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

***Alluvial fan flooding*** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

***Apex*** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Area of shallow flooding* means a designated AO, AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one to three 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 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, A1-99, VO, V1-30, VE or V.

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

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

*Breakaway Walls* means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any suitable building material which are not part of the structural support of the building and which are so designed and constructed to breakaway under abnormal ravine velocities, or high tides and wave action, if applicable, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

*Coastal High Hazard Area* means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone VI-30.

*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 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 or storage of equipment and materials.

*Elevated building* means a nonbasement 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, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor of the water and adequately anchored so as not to impair the structural integrity of the building during the flood of up to the magnitude of the base flood. In the cases 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 floodwaters. In the case of the zones V1-30, VE, and V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

*Existing construction* means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the Vermilion Parish Police Jury's FIRM. 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 of an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which 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; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood boundary and floodway map* means the official map issued by the Federal Emergency Management Agency (FEMA) which delineates 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.

*Flood insurance rate map (FIRM)* means the official map 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* means the official report provided in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary - Floodway Map and the water surface elevation of the base flood.

***Flood proofing*** 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.

*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 typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

*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 preventative 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 application of police power. The term describes such state and local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodway (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 which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding 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:

- (a) 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 of individual listing on the National Register;
- (b) 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 historical district;
- (c) 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

- (d) Individually listed on local inventory or historic places in communities with historic preservation programs which have been certified either:
  - 1) By an approved state program as determined by the Secretary of Interior; or
  - 2) Directly by the Secretary of Interior in states without approved programs.

*Levee* means a manmade 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, useable 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.

*Mangrove Stand* means an assemblage of mangrove trees which are mostly low trees noted for copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Laguncularia Racemose*); and buttonwood (*Conocarpus Erecta*).

*Manufactured home* means a structure transportable in one (1) 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. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on site for greater than one hundred eighty (180) consecutive days. The term "manufactured home" does not include "recreational vehicle".

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

*Mean sea level* means, for 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 the community's Flood Insurance Rate Map are referenced.

***New construction*** means, for the purpose of determining insurance rates, structures for which "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, which 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 floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New 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 on or after the effective date of floodplain management regulations adopted by a community.

***Recreational vehicle*** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of a beach.

*Start of construction* means (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 was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred 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 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 or 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 a walled or roofed building, including a gas or liquid storage tank, that is principally above ground, as well a manufactured home.

***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 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 which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, 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 will not preclude the structure’s continued designation as a “historic structure”.

*Variance* is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (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 ordinance. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in the National Flood Insurance Program’s section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGDV) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## Sec. 2. Purpose.

(A) The flood hazard areas of the Parish 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, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstruction in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) It is the purpose of this ordinance 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:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage of public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in the areas of special flood hazard;

- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### Sec. 3. Intent.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### Sec. 4. Application of ordinance.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Vermilion Parish Police Jury.

### Sec. 5. 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 Vermilion Parish Louisiana, Unincorporated Areas," dated November 14, 1984, with the accompanying "Flood Insurance Rate Map, Community-Panel Number 220221 0025 through 0775," dated March 15, 1985, and the accompanying "Flood Boundary and Floodway Map, Community Panel Number 220221 125 through 450," dated May 15, 1985 with some panels revised May 4, 1992, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study, the Flood Insurance Rate Map, and the Flood Boundary and Floodway Map are on file in the Police Jury office, Vermilion Parish Courthouse, Abbeville, Louisiana.

### Sec. 6. Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 500.00 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Vermilion Parish Police Jury from taking such other lawful action as is necessary to prevent or remedy any violation.

### Sec. 7. Conflicts.

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

### Sec. 8. Interpretation.

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor to repeal any other powers grants under State statutes.

Section 9. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the Vermilion Parish Police Jury, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Secs. 10-25. Reserved.

## ARTICLE II. ADMINISTRATION

Sec. 26. Administrator.

The Secretary/Treasurer of the Vermilion Parish Police Jury or his designate is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with the provisions of this ordinance.

Sec. 27. Powers and duties of administrator.

The duties of the Secretary/Treasurer or his designate shall include, but not be limited to:

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied; and review permit applications to determine whether the proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;
- (2) 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 is required.
- (3) Review all development permits for compliance with the provisions of section 52;
- (4) Obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source in order to administer section 53(1) and section 53(2);
- (5) Obtain and record the actual elevation in relation to mean sea level of the lowest habitable floor including the basement of all newly constructed and substantially improved structures, and whether or not the structure contains a basement;
- (6) For all new substantially improved floodproofed structures, verify and record the actual elevation in relation to mean sea level, and maintain the floodproofing certifications required in section 28(3);
- (7) Maintain for public inspection all records pertaining to the provisions of this ordinance;
- (8) Notify, in riverine situations, adjacent communities, and State Coordinating Agency which is Louisiana Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (9) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- (10) Make interpretations where 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 person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in sections 31 through 34;

- (11) When a regulatory floodway has not been designated, the Secretary/Treasurer or his designate 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.
- (12) Under the provisions of 44 CFR Ordinance 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, and 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 applies for a conditional FIRM revision through FEMA.
- (13) Coastal High Hazard Areas: All new construction shall be located landward of the reach of mean high tide.

Sec. 28. Development permit.

Application for a Development Permit shall be presented to the Secretary/Treasurer or his designate 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 non-residential flood proofed structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 9-53(2); and
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (5) Maintain a record of all such information in accordance with Sec. 27 (7).

Sec. 29. Fees.

The following development permit fees shall apply to all permits issued under this ordinance:

| Cost of Improvement |            | Development permit fee |
|---------------------|------------|------------------------|
| \$0.00              | — \$50.00  | \$5.00                 |
| 51.00               | — 1,001.00 | 5.00                   |
| 1,002.00            | — 2,001.00 | 5.00                   |
| 2,002.00            | — 3,001.00 | 7.00                   |
| 3,002.00            | — 4,001.00 | 9.00                   |
| 4,002.00            | — 5,001.00 | 11.00                  |

|           |   |           |       |
|-----------|---|-----------|-------|
| 5,002.00  | — | 6,001.00  | 13.00 |
| 6,002.00  | — | 7,001.00  | 15.00 |
| 7,002.00  | — | 8,001.00  | 17.00 |
| 8,002.00  | — | 9,001.00  | 19.00 |
| 9,002.00  | — | 10,001.00 | 21.00 |
| 10,002.00 | — | 11,001.00 | 23.00 |
| 11,002.00 | — | 12,001.00 | 25.00 |
| 12,002.00 | — | 13,001.00 | 27.00 |
| 13,002.00 | — | 14,001.00 | 29.00 |
| 14,002.00 | — | 15,001.00 | 31.00 |

(Continued)

| Cost of Improvement |   | Development permit fee |       |
|---------------------|---|------------------------|-------|
| 15,002.00           | — | 16,001.00              | 32.00 |
| 16,002.00           | — | 17,001.00              | 33.00 |
| 17,002.00           | — | 18,001.00              | 34.00 |
| 18,002.00           | — | 19,001.00              | 35.00 |
| 19,002.00           | — | 20,001.00              | 36.00 |
| 20,002.00           | — | 21,001.00              | 37.00 |
| 21,002.00           | — | 22,001.00              | 38.00 |
| 22,002.00           | — | 23,001.00              | 39.00 |
| 23,002.00           | — | 24,001.00              | 40.00 |
| 24,002.00           | — | 25,001.00              | 41.00 |
| 25,002.00           | — | 26,001.00              | 42.00 |
| 26,002.00           | — | 27,001.00              | 43.00 |
| 27,002.00           | — | 28,001.00              | 44.00 |
| 28,002.00           | — | 29,001.00              | 45.00 |
| 29,002.00           | — | 30,001.00              | 46.00 |
| 30,002.00           | — | 31,001.00              | 47.00 |
| 31,002.00           | — | 32,001.00              | 48.00 |

|           |   |           |  |
|-----------|---|-----------|--|
| 32,002.00 | — | 33,001.00 | 49.00  |
| 33,002.00 | — | 34,001.00 | 50.00  |
| 34,002.00 | — | 35,001.00 | 51.00  |
| 35,002.00 | — | 36,001.00 | 52.00  |
| 36,002.00 | — | 37,001.00 | 53.00  |
| 37,002.00 | — | 38,001.00 | 54.00  |
| 38,002.00 | — | 39,001.00 | 55.00  |
| 39,002.00 | — | 40,001.00 | 56.00  |
| 40,002.00 | — | 41,001.00 | 57.00  |
| 41,002.00 | — | 42,001.00 | 58.00  |
| 42,002.00 | — | 43,001.00 | 59.00  |
| 43,002.00 | — | 44,001.00 | 60.00  |
| 44,002.00 | — | 45,001.00 | 61.00  |
| 45,002.00 | — | 46,001.00 | 62.00  |
| 46,002.00 | — | 47,001.00 | 63.00  |
| 47,002.00 | — | 48,001.00 | 64.00  |
| 48,002.00 | — | 49,001.00 | 65.00  |
| 49,002.00 | — | 50,000.00 | 66.00  |
| 50,001.00 | — | On up     | \$0.50 for each additional \$1,000.00 or fraction thereof. |

Sec. 30. Applications.

In passing on such applications, the Secretary/Treasurer or his designate shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (9) The safety of access to the property in times of flood or ordinary and emergency vehicles;
- (10) 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

- (11) The cost 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.

Sec. 31. Variances.

Upon consideration of the factors of section 30, and the purposes of this Ordinance, the Secretary/Treasurer may attach such conditions to the granting of variances as he deems necessary to further the purposes and objectives of this ordinance.

Sec. 32. Variance requirements.

This section delineates specific variance requirements of the National Flood Insurance program.

- (1) 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 section 30(1)-(11) have been fully considered. As the lot size increases beyond one-half acre, the technical jurisdiction required for issuing the variance increases.
- (2) 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 historical structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) 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.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon:
  - a) a showing of 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 as identified in section 9-30 or conflict with existing local laws or ordinances.
- (7) 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.
- (8) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in sections 31, 32(1)-(4), 33 and 34 are met and 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.

Sec. 33. Records.

The Secretary/Treasurer or his designate shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

Sec. 34. Appeals.

(A) The Flood Insurance Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance. The Committee shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Secretary/Treasurer or his designate, in the enforcement or administration of this ordinance.

(B) Those aggrieved by the decision of the Flood Insurance Committee or any taxpayer may appeal such decision to the courts.

Secs. 35-50. Reserved.

### ARTICLE III. STANDARDS

Sec. 51. General standards.

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

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (4) 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.
- (5) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors. Special requirements shall be that:
  - a) Over-the-top ties be provided at each of the four (4) corners of the manufactured homes, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
  - b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
  - c) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
  - d) Any additions to the manufactured homes be similarly anchored.
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (7) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
- (8) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.
- (9) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 2 and 3.

- (10) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of sections 6, 28 through 30 and 51 through 53.
- (11) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to sections 5 or 27(4).
- (12) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) 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.

Sec. 52. Cumulative effect standards.

In all areas of special flood hazard in which the base flood elevation data has been provided, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

Sec. 53. Specific standards;

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 5, section 27(4) and section 51(11), the following standards are required:

- (1) New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation, together with attendant utility and sanitary facilities.
- (2) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to 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 hydronamic loads and effects of buoyancy.
- (3) The satisfaction for the standards of (1) and (2) above shall be certified by a registered professional engineer or architect. The certification that the standards of sections 27(6) or 28(1) are satisfied shall be submitted to the Secretary/Treasurer or his designee.
- (4) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking 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:
  - a) 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.
  - b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (5) For manufactured homes.
- a) 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 which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to application State and local anchoring requirements for resisting wind forces.
  - b) 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 in which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
  - c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (5)b. of this section be elevated so that either:
    - (i) the lowest floor of the manufactured home is at or above the base flood elevation, or
    - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
  - d) Require that manufactured homes placed or substantially improved within **Zone V1-30, V, and VE** 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 the result of a flood, meet the standards of paragraphs (1) through (6) of this section **and** that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within **Zones V1-30, V, and VE** on the community's FIRM meet the requirements of Article 5, Section B (4) of this ordinance.
- (6) Floodways located within areas of special flood hazard established in section 9-5 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 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 of flood levels within the community during the occurrence of the base flood discharge.
  - b) If section (6)a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

- c) Under the provisions of 44 CFR Ordinance 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 first applies for a conditional FIRM and floodway revision through FEMA.
- (7) Located within the areas of special flood hazard established in Section 5, are areas designated as Coastal High Hazard Areas (Zone V) or areas of the 100 year coastal flood. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:
- a) All buildings or structures shall be located landward of the reach of the mean high tide.
  - b) All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting members open so as not to impede the flow of water, except for breakaway walls as provided for in Section 7 (h) of the article.
  - c) All buildings or structures shall be securely anchored on pilings or columns.
  - d) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
  - e) Compliance with provisions contained in Section 7 (b), (c), and (d) shall be certified by a registered professional engineer or architect.
  - f) There shall be no fill used as structural support.
  - g) There shall be no alternation of sand dunes or mangrove stands which would increase potential flood damage.
  - h) Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.
  - i) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Secretary/Treasurer for approval.
  - j) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.
  - k) Any alteration, repair, reconstruction or improvements to a structure stated after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.
  - l) The placement of mobile homes is prohibited, except in an existing mobile home park or existing mobile home subdivision.
- (8) Located within or adjacent to some special flood hazard areas are areas designated as coastal barrier areas. The Coastal Barrier Improvements Act of 1990 (PL 101-591) enacted by Congress, prohibits the National Flood Insurance Program from providing flood insurance protection for structures built, or substantially improved, after the area has been designated as an undeveloped coastal barrier area. For Vermilion Parish, coastal barrier areas were designated on November 16, 1990. Buildings already located in the designated areas and walled or roofed prior to the November 16, 1990 designation remain eligible for coverage. If a building is built in a designated area prior to it being designated sustains substantial damage as a result of fire, hurricane, or other causes, the restored structure is not eligible for flood insurance coverage.

- (9) Located within the areas of special flood hazard established in Section 5 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow 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 as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
  - b) All new construction and substantial improvements of nonresidential structures;
    - i) 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 feet if no depth number is specified), or;
    - ii) 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 hydronamic loads of effects of buoyancy.
  - c) A registered professional engineer or architect shall submit a certification to the Secretary/Treasurer of the Vermilion Parish Police Jury or his designate that the standards of this section, as proposed in Section 28 are satisfied.
  - d) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- (10) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or, (iii) meet the permit requirements of Section 28, and the elevation and anchoring requirements for "manufactured homes" in paragraph (5) of this section. 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.
- a) Require that recreational vehicles placed on sites within **Zones V1-30, V and VE** on the community's FIRM either (i) be on site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the requirements in Article 3, Section C of this ordinance and paragraphs (1) through (6) of this section. 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.
- (11) If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

The above ordinance was submitted to a vote and the vote thereon was as follows:

YEAS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

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**C E R T I F I C A T E**

I, Chris P. Theriot, Secretary/Treasurer of the Vermilion Parish Police Jury, do hereby certify that the above is a true and exact copy of an ordinance adopted by the Vermilion Parish Police Jury of the Vermilion Parish Police Jury duly assembled in Vermilion Parish, Louisiana on \_\_\_\_\_ at which time a quorum was present and voting.

\_\_\_\_\_  
CHRIS P. THERIOT  
SECRETARY/TREASURER  
VERMILION PARISH POLICE JURY