

Chapter 33

BUILDING AND DEVELOPMENT IN FLOOD PRONE AREAS

- 33.01 Intent
- 33.02 Permit Requirements
- 33.03 Permit Application and Fee
- 33.04 Duties of the Building Inspector/Zoning
Administrator
- 33.05 Annexation and Extraterritorial Jurisdiction
- 33.06 Definitions
- 33.07 Penalty
- 33.08 Abrogation and Greater Restrictions
- 33.09 Separability
- 33.10 Effective Date

33.01 INTENT.

The Village of Paddock Lake, Wisconsin wishes to establish eligibility in the National Flood Insurance Program, and in order to do so must meet the requirements of 44CFR Part 60.3 (a). The Village of Paddock Lake, Wisconsin wishes to minimize potential losses due to periodic flooding including loss of life, loss of 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 of which adversely affect the public health, safety, and general welfare. The State of Wisconsin has in §66.010 and §61.354 of the Wisconsin Statutes delegated the responsibility to local governments to adopt regulations designed to minimize flood loss. The President and Board of Trustees of the Village of Paddock Lake, Kenosha County, Wisconsin in order to determine which developments would increase the flood hazard or be damaged by flooding, does ordain the following measures within the jurisdictional limits of the Village.

33.02 PERMIT REQUIREMENTS.

(a) No person shall erect, construct, enlarge, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the Building Inspector/Zoning Administrator.

(b) No man-made change to improved or unimproved real estate, which either changes exterior dimensions or location of the improvement or which otherwise would require building or zoning permitting, including but not limited to buildings or other structures, fences, children's play equipment, pools, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the Building Inspector/Zoning Administrator for each change.

(c) No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile or manufactured home from the Building Inspector/Zoning Administrator.

(d) Storing of buoyant materials, such as firewood, timbers, trailers, boats, children play equipment, ice fishing shanties, piers.

33.03 PERMIT APPLICATION AND FEE.

To obtain a permit, the applicant shall first file a permit application on the form furnished by the Village for that purpose. The form must be completed and submitted to the Building Inspector/Zoning Administrator with the appropriate fee before the issuance of a permit will be considered. The permit shall be Two Hundred Fifty (\$250.00) Dollars to defray any professional fees the Village may incur in the review of application.

33.04 DUTIES OF THE BUILDING INSPECTOR/ZONING ADMINISTRATOR.

(a) The Building Inspector/Zoning Administrator is appointed as the "Village representative" responsible for receiving applications and examining plans and specifications for the proposed construction or development.

(b) After reviewing the application, the Building Inspector/Zoning Administrator may require any additional measures which are necessary to meet the minimum requirements of this ordinance.

(c) The Building Inspector/Zoning Administrator shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(d) The Building Inspector/Zoning Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If the proposed building site is in a flood prone area as determined by the Building Inspector/Zoning Administrator, all new construction and/or substantial improvements (including the placement of manufactured homes) shall be:

(1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and/or hydrostatic loads, including the effects of buoyancy.

(2) Constructed of materials and utility equipment resistant to flood damage.

(3) Constructed by methods and practices that minimize flood damage.

(4) Constructed with electrical, heating,

ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) The Building Inspector/Zoning Administrator shall review proposals for subdivisions, certified survey maps, P.U.D.s and Condominium Plats and other new proposed development to determine whether such proposals will be reasonable safe from flooding and shall make such recommendations to the Village Plan Commission for approval or modification of such proposals as are appropriate. If the subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

(1) All such proposals are consistent with the need to minimize flood damage within the flood prone area.

(2) All public utilities and facilities, such as sewer, gas, water, and electrical systems are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided to reduce exposure to flood hazard.

(f) The Building Inspector/Zoning Administrator shall require within the flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

(g) The Building Inspector/Zoning Administrator shall require within flood prone areas new and replacement sanitary sewer systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

33.05 ANNEXATION AND EXTRATERRITORIAL JURISDICTION.

To the extent that it continues to have authority to do so, the Village of Paddock Lake shall not approve any development located in a Special Flood Hazard Area (SFHA) outside the corporate limits unless such development or plat is in accordance with the following:

(a) A floodplain ordinance legally adopted by the Village of Paddock Lake that meets the minimum Federal (44 CFR 60.3), and State of Wisconsin, and local requirements for

development within a Special Flood Hazard Area.

(b) The SFHA's of those parts of unincorporated Kenosha County that are within the extraterritorial Jurisdiction of the Village of Paddock Lake or that may be annexed into the Village of Paddock Lake are generally identified as such on the Flood Hazard Boundary Map or the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency (FEMA or the Department of Housing and Urban Development (HUD).

(c) Nothing contained herein shall abrogate, modify, contradict or otherwise change the obligations imposed upon the Village by virtue of provisions contained in agreements entered into by the Village pursuant to §66.0307, Wis. Stats.

33.06 DEFINITIONS.

(a) "Buoyant". Any material which is capable of floating or keeping other items afloat.

(b) "Children's play structures". Any apparatus, contrivance or structure which has a primary or secondary purpose of allowing, enhancing or assisting children in play, whether of man made or natural materials. Children's play structures shall include, but shall not be limited to, swing sets, tetter totters, sandboxes, slides or similar devices or improvements.

(c) "Development". Any man made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls or fences. Drilling, mining, filling, dredging, and storage of materials.

(d) "Flood". A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual rapid accumulation or runoff of surface waters from any source.

(e) "Floodplain" or "Flood Prone Area". Any land area susceptible to being inundated by water from any source.

(f) "Flood proofing". Any combination of structural or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water or sanitary facilities, structures and their contents.

(g) "Landscape features". Materials such as timbers

or other materials, whether nature or man made which are intentionally placed upon a yard for the purpose of enhancing, improving and/or beautifying the visual appearance of the yard.

(h) "Manufactured Home". A structure, transportable in one or more sections. Which is built on a permanent Chassis, and is designated for use with or without a permanent foundation when attached to the required utilities.

(i) "New Construction". Means for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974 whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction 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.

(j) "Person". Individual, corporation, partnership, association, or any other entity, including State and local governments and agencies.

(k) "Special Flood Hazard Area". The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A is usually refined into Zones A, AO, AH, Al-30, AE, A((, AR, AR/Al-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "Special Flood Hazard Area" is synonymous in meaning with the phrase "area of special flood hazard".

(l) "Structure". For floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers left on site more than one hundred (180) days.

(m) "Substantial Improvement". Any repair, reconstruction or improvement of a structure the cost of which exceeds fifty (50%) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure is damaged and is being restored, before the damage occurred. For the purpose 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 regardless of the actual work performed. The term does not however, include either, (1) any project for improvement of the structure to comply with existing State or local health, sanitary or safety code specification which is solely necessary to insure safe living 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.

33.07 PENALTY.

Any person who violates this ordinance shall upon conviction be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars. A separate offence shall be deemed committed upon each day during or on which a violation occurs or continues.

33.08 ABROGATION AND GREATER RESTRICTIONS.

(a) This ordinance is not intended to repeal, abrogate, or impair any existing agreement to which the Village is a signator, ordinance, covenants, or deed restrictions.

(b) Where this ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

33.09 SEPARABILITY.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

33.10 EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.