Emergency
Council Meeting
January 15, 2008

An Emergency Council Meeting of the Elkton Town Council was held in the Elkton Area Community Center, located at 20593 Blue and Gold Drive, Elkton, Virginia on January 15, 2008 at 6:00 p.m., with Mayor Wayne E. Printz presiding. The following Council members were present:

PRESENT
M. Dearing
M. Isom
D. Kite
M. O'Neill
T. Pence

ABSENT
S. Sigafoose

Town Attorney Lauri A. N. Sigler, Town Superintendent/Zoning Administrator Marty Shifflett (arrived at 6:12 p.m.), Chief of Police James A. Morris, Treasurer Clairen Sipe, EACC Administrator Allison Morris, EACC Secretary Diane Johnson and Clerk of Council Denise R. Monger were also present.

Mayor Printz read the agenda as follows: Flood Ordinance – First Reading

Town Attorney Sigler stated changes in the flood ordinance were necessary in order for the Town to be in compliance with the Department of Homeland Security, Federal Emergency Management Agency, and the National Flood Insurance Program. She noted the biggest changes were the addition of a definition section, changes to the allowance of manufactured homes in a flood zone, addition of a special floodplain district and building permits to incorporate different information. She noted additional changes mandated by FEMA were also made.

Council member O'Neill queried as to the notification given to the Town regarding the above-referenced matter. Town Attorney Sigler noted the time was in early fall, however the ordinance took some time to revise due to all of the technical and legal matters involved.

Town Attorney Sigler noted a public hearing would be held regarding the matter on January 21, 2008 at 6:15 p.m.

Flood Ordinance – First Reading

Council member O'Neill moved on a First Reading to approve the flood ordinance as presented.

ORDINANCE REPEALING

AND

RE-ENACTING

SECTION 615

OF CHAPTER 110

OF THE CODE FOR THE TOWN OF ELKTON, VIRGINIA

BE IT ORDAINED BY THE ELKTON TOWN COUNCIL, VIRGINIA:

That Chapter 110, Section 615, Flood Hazard District FH-1, be and hereby is repealed and re-enacted as follows:

§ 110-615. Flood Hazard District FH-1.

A. Purpose. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

(1) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, frequencies.

(2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding. **[Amended 12-18-2000]**

(3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

(4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Elkton and identified as being flood prone as stipulated in this section.

C. Compliance.

(1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdictions of this section.

(2) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the Floodplain District, or that land uses permitted within such district will be free from flooding or flood damages.

(3) Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.

(4) This ordinance shall not create liability on the part of The Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

D. Abrogation and greater restrictions. This section shall supersede the provisions of any other ordinance or regulation with regard to development in flood prone areas. However, the provisions of any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

E. Definitions. The following definitions shall apply in the interpretation and enforcement of this section.

BASE FLOOD - A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

BASEMENT - Any area of the building having its floor sub-grade (below ground level) on all sides.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, street, and other paving, utilities, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENCROACHMENT - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

FLOOD OR FLOODING - (1)_A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source or (2) the collapse or subsistence 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 of 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 a flash flood or by some similarly unusual and unforeseeable even which results in flooding as defined in (1) of this definition..

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source.

FLOODWAY - 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.

FREEBOARD - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of the urbanization in the watershed.

HISTORIC STRUCTURE - 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 requirement for 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 historic district; or (c) individually listed on the Virginia State inventory of historic places.

LOWEST FLOOR - 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 Federal Code 44CFR §60.3.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is eight (8) feet or more in width and is forty (40) feet or more in length, or when erected is 320 or more square feet in area, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For the purposes of this division, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on site for more than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK/SUBDIVISION, EXISTING - A parcel, or contiguous parcels of land divided into two (2) or more lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance codified in this division.

NEW CONSTRUCTION - For the purposes of determining insurance rates structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structure for which start of construction commenced on or after the effective date of a floodplain

management regulation adopted by a community and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and which is designed not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

SHALLOW FLOODING AREA - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

SPECIAL FLOOD HAZARD AREA - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year.

START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; 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 the 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.

SUBSTANTIAL DAMAGE - 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.

SUBSTAINTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term 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 to assure 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.

WATERCOURSE - A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

F. Establishment and description of Floodplain Districts – Basis. The various Floodplain Districts shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study and Flood Insurance Rate Map for the Town of Elkton, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, dated February 6, 2008.

(1) The Floodway District is delineated for purposes of this section using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. These areas included in this District are specifically defined in Table 2 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

(2) The Flood-Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one-hundred-year-flood elevations contained in the flood profile of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

(3) The approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one-hundred-year floodplain has been approximated. Such areas are shown on the Flood Boundary and Floodway Map or on the Flood Insurance Rate Map, or both. For these areas the one-hundred-year flood elevations and floodway information from federal, state and other acceptable sources shall be used when available. Where the specific one-hundred-year flood elevation cannot be determined for this area using other sources of data such as the United States Army Corps of Engineers, Floodplain Information Reports, United States Geological Survey flood-prone quadrangles, etc., then the application for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify or present evidence that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses,

computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town of Elkton. The hydrolic and hydraulic analysis shall be provided to the Town by the applicant at the applicant's cost.

(4) The Special Floodplain District shall be that floodplain area where one-hundred-year flood profiles or elevations have been provided in the Flood Insurance Study but where a floodway has not been delineated on the flood boundary and floodway map. These areas are shown either on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, or both.

All building permit applications issued for any of the various floodplain districts as defined in this section, shall incorporate the following information:

(1) For structures that have been elevated, the elevation of the lowest floor (including basement);

(2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed;

(3) The elevation of the one-hundred-year flood;

(4) The zoning approval for the use.

G. Overlay concept.

(1) The Floodplain Districts described above shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions for the Floodplain Districts shall serve as supplemental provisions to the underlying district provisions.

(2) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying zoning district, the more restrictive provisions and/or those pertaining to the Floodplain Districts shall apply.

(3) In the event any provisions concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying district provisions shall remain applicable.

H. Official map. The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and Flood insurance Rate Map which is declared to be a part of this section and which shall be kept on file at the Town office.

I. District boundary changes. The delineation of any of the Floodplain Districts may be revised by the Town Council of the Town of Elkton where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual

documents the need or possibility for such change. However, prior to such change, approval must be obtained from the Federal Insurance Administration.

J. Interpretation of district boundaries. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Town Council of the Town of Elkton shall make the necessary determination. The persons questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present the case to the Town Council and to submit his or her own technical evidence if he or she so desires.

K. District provisions.

(1) All uses, activities, and development occurring within the Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and Article IX, Subdivision Regulations, of this chapter. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.

(2) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway or any watercourse, drainage ditch, or any other drainage facility or system.

(3) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within this jurisdiction, a permit from the U. S. Corps of Engineers, the Virginia Marine Resources Commission and certification from the Virginia State Water Control Board is necessary (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Resources), and the Federal Insurance Administration. **[Amended 12-18-2000]**

(4) Within the special floodplain area no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(5) Standards for manufactured homes and recreational vehicles.

(a) Manufactured homes shall be allowed only in manufactured home parks. All manufactured homes placed, or substantially improved in existing or new manufactured home parks or subdivisions or in an existing manufactured home park or subdivision on which a manufactured home has

incurred substantial damage must meet all the requirements for new construction, including elevation and anchoring requirements.

(b) All manufactured homes placed or substantially improved in an existing or new manufactured home park or subdivision must be elevated so that

(i) the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation; or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six inches in height above the grade (this subsection applies only to a new manufactured that will be placed in an existing manufactured home park or subdivision in which one or more homes have suffered substantial damage);

(iii) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

(c) All recreational vehicles placed sites must

(i) be on the site for fewer than ninety consecutive days;

(ii) be fully licensed and ready for highway use (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).

L. Floodway District.

(1) In the Floodway District encroachments, including fill, new construction, substantial improvements or other development shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) The placement of manufactured homes, except in an existing manufactured home park or subdivision within the Floodway District is specifically prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home or subdivision provided the requirements set out in §110-615(K)(5) are met.

(a) Permitted uses.

(i) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(ii) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(iii) Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.

(iv) Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport land strips, etc.

(b) Uses permitted by special exception. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other ordinance:

(i) Structures except for mobile homes accessory to the uses and activities in § 110-615L(a).

(ii) Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

(iii) Water-related uses and activities, such as marinas, docks, wharves, piers, etc.

(iv) Extraction of sand, gravel, and other materials (where no increase in level of flooding or velocity is caused thereby).

(v) Temporary uses, such as circuses, carnivals, and similar activities.

(vi) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

(vii) Telecommunications facilities. **[Added 12-18-2000]**

(viii) Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

M. Flood-Fringe and Approximated Floodplain Districts and Special Floodplain Districts. In the Flood-Fringe and Approximated Floodplain and Special Floodplain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The placement of any manufactured home, except in an existing manufactured home park or subdivision within the floodplain district is specifically prohibited.

Within the approximated floodplain district, all new subdivision proposals and other purposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five (5) acres, whichever is less, shall include within such proposals base elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one foot at any one point. The engineering principle –equal reduction of conveyance – shall be listed to make the determination of increase flood heights.

N. Special exceptions and variances.

(1) Additional factors to be satisfied. In passing upon applications for special exceptions and variances, the Planning Commission or Board of Zoning Appeals shall satisfy all relevant factors and procedures in other sections of this Chapter and the following factors:

(a) The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one-hundred-year flood.

(b) The danger that materials may be swept onto other lands or downstream to the injury to others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access to the property in time of flood of ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

(l) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(m) Such other factors which are relevant to the purposes of this section.

(n) No special exceptions or variance shall be granted for any development within the special floodplain district that, together with all other existing and anticipated development, would increase the one- hundred-year flood elevation more than one foot at any point.

(2) The Planning Commission or Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

(3) Special exceptions and/or variances shall only be issued after the Planning Commission or Board of Zoning Appeals has determined that the granting of such will not result in:

(a) Unacceptable or prohibited increases in flood heights.

(b) Additional threats to public safety.

(c) Extraordinary public expense.

(d) Create nuisances.

(e) Cause fraud or victimization of the public.

(f) Conflict with local laws or ordinances.

(4) Special exceptions or variences shall be issued only after the Planning Commission or Board of Zoning Appeals has determined that the special exception or varience will be the minimum required to provide relief from an exceptional hardship to the applicant.

(5) The Planning Commission or Board of Zoning Appeals shall notify the applicant for a special exception and/or variance, in writing, that the issuance of a special exception and/or variance to construct a structure below the one-hundred-year-flood elevation:

(a) Increases the risks to life and property.

(b) Will result in increased premium rates for flood insurance.

(6) A record of the above notification, as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

O. Existing structures in Floodplain Districts. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

(1) Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).

(2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any Floodplain District to an extent or amount of less than 50% of its market value shall be constructed according to the VA USBC and elevated and/or flood-proofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use regardless of its location in a Floodplain District to an extent or amount of 50% or more of its market value shall be considered substantial improvement and shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

(4) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(5) No expansion or enlargement of an existing structure or use shall be allowed in the Special Floodplain District that, together with all other existing and anticipated development, would increase the one-hundred-year flood elevation more than one

foot at any point.

(6) The substantial damage or improvement of any structure shall require the entire structure to be brought into full compliance with the provisions of this chapter and the VA USBC.

P. Flood hazard mitigation. Within the Floodway, Flood Fringe District, the Approximated Floodplain District and/or the Special Floodplain District as delineated, the following additional provisions shall be met:

(1) All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at elevations at or above the level of the one-hundred-year flood.

(2) Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(3) Adequate drainage shall be provided to minimize exposure to flood heights.

(4) The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated Floodplain District, including information on, but not limited to, the one-hundred-year-flood elevations, boundaries of the Floodplain Districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

Q. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this section shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section which shall remain in full force and effect, and for this purpose the provisions of this section are hereby declared to be severable. **[Amended 12-18-2000]**

R. Municipal liability.

(1) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the Floodplain Districts, or that land uses permitted within such districts will be free from flooding or flood damages.

(2) This section shall not create liability on the part of the Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

BE IT FURTHER ORDAINED that this ordinance is enacted and shall be effective from the 6th day of February 2008.

ADOPTED AND APPROVED this 15th day of January, 2008.

Wayne E. Printz
Mayor, Town of Elkton

Atteste:

Denise R. Monger
Clerk of the Council

Motion to Adjourn

As there was no additional business, **Council member O'Neill moved, seconded by Council member Kite, and carried to adjourn the meeting.**

YEAS: M. Dearing, M. Isom, D. Kite, M. O'Neill, and T. Pence.

NAYS: None

VOTE: (5 – 0 voice vote) Motion carried

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk