

ORDINANCE NO. 32

AN ORDINANCE CONCERNING CONSTRUCTION IN AREAS OF THE CITY OF GOSNELL IN WHICH THERE IS DANGER OF FLOODING; PROVIDING A PENALTY THEREFORE; AND FOR OTHER PURPOSES

IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOSNELL, ARKANSAS:

Section One. The provisions of this Ordinance shall apply a minimum to all areas within the corporate limits of Gosnell, Arkansas, which have or may hereafter be identified by the Federal Flood Insurance Administrator as being flood plain areas having special hazards.

Section Two. The provisions of this Ordinance shall take precedence over any conflicting laws, ordinances or codes. Any provisions of this Ordinance found to be in conflict with the provisions of any pre-existing Ordinance applicable to adjoining flood plain areas is null and void.

Section Three. No property owner within a designated flood plain area shall begin, or cause others to begin, any construction, remodeling, or major repair of any structure or other substantial improvement on his property without having first obtained a building permit from the City Building Inspector.

Section Four. The City Building Inspector will review each building permit application for major repairs within a designated flood plain area, and will not issue such permit until he has first determined that the proposed repair (1) uses construction materials and utility equipment that are resistant to flood damage, and (2) uses construction methods and practices that will minimize flood damage.

(including prefabricated and mobile homes) (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, (3) uses construction materials and utility equipment that are resistant to flood damage, and (4) uses construction methods and practices that will minimize flood damage.

Section Six. The plans for any proposed subdivision and/or other proposed new developments within the designated flood plain areas shall be submitted to the City Planning Commission, who will prior to the issuing of any building permits assure that:

- (a) all such proposals are consistent with the need to minimize flood damage.
- (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize flood damage.
- (c) adequate drainage is provided so as to reduce exposure to flood hazards.
- (d) any new or replacement city water supply systems and/or sanitary systems are designed to minimize infiltration of flood waters into the systems, and/or discharges from the systems into flood waters; and that any on-site waste disposal systems are located so as to avoid impairment of them or contamination from them during flooding.

Section Seven. Any new construction or substantial improvements of residential structures within the area of special flood hazards will have the lowest floor (including basement) elevated to or above the

will have the lowest floor (including basement) elevated to or above the level of the 100- year flood; or together with attendant utility and sanitary facilities, be flood-proofed up to the level of the 100 year flood.

Section Nine. No land use, including land fill, is permissible within a designated flood plain area unless the applicant for the land has demonstrated that the proposed use, when combined with other existing and anticipated uses, will not increase the water surface elevation of the 100- year flood more than 1 foot at any

Section Ten. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section Eleven. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grant of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined no more than \$500.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Gosnell from taking such other lawful action as is necessary to prevent or remedy any violation.

ADOPTED this 11 day of September 1974.

*R. D. & M. .00*