

Chapter 15.52

FLOOD DAMAGE PREVENTION

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Section 15.52.010 Purpose.

A. It is the purpose of this chapter 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 and 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 to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in 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.

B. In order to accomplish its purposes, this chapter 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 or in 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 flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
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. (Prior code § 2.20.005)

Section 15.52.020 Definitions.

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

A. "Appeal" means a request for a review of the city engineer's interpretation of any provision of this chapter or a request for a variance.

B. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM), where the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

C. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

D. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

E. "Crawlspace" means an enclosed area below the base flood elevation.

F. "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

G. "Development" means any man-made 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 located within the area of special flood hazard.

H. "Flood" or "flooding" means a general and temporary condition or 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 of runoff of surface waters from any source.

I. "Flood hazard boundary map (FHBM)" means the official map on which the Federal Insurance Administration has delineated the areas of special flood hazards applicable to the community.

J. "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

K. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary--floodway map, and the water surface elevation of the base flood.

L. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

M. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

N. "Manufactured home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

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

O. "New construction" means structures for which the start of construction commenced on or after the effective date of this chapter.

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P. "Repetitive loss structure" means a building covered by a contract for flood insurance that has incurred flood related damages on two or more occasions during a ten (10) year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood event.

Q. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

R. "Start of construction" includes substantial improvement and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of 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 and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

S. "Structure" means a walled and roofed building or manufactured home that is principally above ground.

T. "Substantial improvement" means any repair, reconstruction or improvement of a structure during a five year period, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety codes.

U. "Substantially damaged structure" 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 fifty percent (50%) of the market value of the structure before the damage occurred. (6463, Amended, 07/23/2008; 6357, Amended, 04/14/2004; Ord. 6222, Amended, 07/28/1999)

Section 15.52.030 General provisions.

A. Application. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Aberdeen, except these regulations shall not apply to improvements located at or above the base flood elevation unless otherwise specifically noted.

B. Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study, City of Aberdeen, Washington, Grays Harbor County," community number 530058, and accompanying flood insurance rate maps, effective date July 16, 1984, and any revisions thereto are adopted and declared to be part of this chapter.

C. Compliance. No structure on land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable

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regulations.

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

E. **Interpretation.** In the interpretation and application of this chapter, 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 repeal any other powers granted under state statutes.

F. **Warning and Disclaimer of Liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Aberdeen, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

G. These regulations shall not apply to the following types of structures with the exception of development within the floodway as described in Section 15.52.110. In the event a proposed similar structure is not specifically mentioned, the city engineer shall determine if the provisions of this chapter are applicable.

1. Attached or detached residential garages and greenhouses;
2. Deck;
3. Houseboat;
4. Child's playhouse;
5. Underground storage tanks;
6. Oil derricks;
7. Temporary construction shed, office and/or storage structures;
8. Temporary motion picture/tv, theater, stage and sets;
9. Temporary grandstand;
10. Swimming pool covers;
11. Platforms, walks, ramps, driveways and similar structures used as a means to access;
12. Fences;
13. Retaining walls and bulkheads;
14. Temporary mechanical and electrical equipment;
15. Temporary utilities;
16. Temporary fireworks stands, carnival buildings, tents, structures and similar uses. (Prior code § 2.20.020)

Section 15.52.040 Designation and duties of the city engineer.

The city engineer is appointed to administer and implement this chapter by granting or denying any city of Aberdeen permit applications in accordance with the provisions herein stated. Duties of the city engineer shall include but not be limited to:

- A. **Permit Review.**
 1. Review all permits to determine that the permit requirements of this chapter have been satisfied;
 2. Review all permits to determine if proposed development adversely affects the

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flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes in the channel and adjacent overbank areas. It is the responsibility of the applicant to provide engineering data and studies as may be required by the city engineer to make this determination.

3. If the city engineer determines that there is no adverse effect, the permit shall be granted consistent with provisions of this chapter without further consideration of these effects.

4. If the city engineer determines that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.52.030(B), the city engineer shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 15.52.100(A) Specific Standards, Residential Construction, and 15.52.100(B) Specific Standards, Nonresidential Construction.

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to city of Aberdeen datum) of the lowest floor (including basement) of all new and substantially improved structures.

2. For all new and substantially improved structures:

a. Verify and record the actual elevation (in relation to city of Aberdeen datum); and

b. Maintain the floodproofing certifications required in Section 15.52.050(C).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. A watercourse shall not be altered unless its carrying capacity is maintained.

E. Interpretation of FHBM or FIRM Boundaries. Make interpretations where needed, as to 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).

(6357, Amended, 04/14/2004)

Section 15.52.050 Establishment of permit criteria.

Permits shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.52.030(B). Permits shall be for all structures including manufactured homes, and for all other development, including fill and other activities, as set forth in the "Definitions." Permit applications shall be made on forms furnished by the city engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to city of Aberdeen datum, of the lowest floor (including basement) of all structures;

B. Elevation in relation to city of Aberdeen datum, to which any structure has been flood-proofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.52.100(B); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Prior code § 2.20.040)

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Section 15.52.060 Appeal board.

A. In order to hear requests for variances from the provisions of this chapter, or to provide for reasonable interpretations of this chapter, or to determine the suitability of alternative materials and methods of construction, there is created a board of appeals which shall be the members of the building code commission as established by Sections 2.32.020 and 2.32.030 of the city code.

B. Decisions of the board shall be made as per Section 15.48.110 of the Aberdeen Municipal Code.

C. In hearing and deciding appeals and variances, the commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of the chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to 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 safety of access to the property in times of flood for ordinary and emergency vehicles;
5. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
6. 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.

D. Upon consideration of the factors of Section 15.52.060(C) and the purposes of this chapter, the board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

E. The board of appeals may revoke any variance or decision on interpretation of suitability of alternate materials and methods of construction on any one or more of the following grounds:

1. Approval was obtained by fraud;
2. Variance or approval of alternate materials and method of construction is being exercised contrary to the terms or conditions of such approval;
3. Variance or approval of alternate materials and method of construction, in the opinion of the city engineer, is being exercised so as to be detrimental to the public health, safety or welfare.

F. Any variance or appeal approval shall become null and void if not exercised within the time specified by the board of appeals, or, if no date is specified, within one year from the effective date of approval.

G. The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Prior code § 2.20.050)

Section 15.52.070 Appeals.

A. All appeals must be in writing and shall specify the decision appealed from and the resolution suggested by the appellant.

B. All appeals shall be served upon the chairman of the board of appeals or the city engineer and must be filed within thirty (30) days of the decision which is being appealed.

C. Whenever an appeal is filed questioning an interpretation or possible suitability of alternate material or methods of construction the city engineer shall within two working days mail to members of the appeals board the written appeal and written report from the engineering department. The secretary for the board shall give written notice to the appellant and engineering department of a time and place for the hearing of the appeal and said hearing shall be within seven working days from the date the written appeal was received by the engineering department. The board shall make a written decision within five working days from the date of hearing and mail the written decision to the appellant with a

duplicate copy to the engineering department. The times specified for the board to have a hearing and decision may be extended by mutual agreement of the parties. (Prior code § 2.20.060)

Section 15.52.080 Variances.

A. Variances may be issued for new construction 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 15.52.060(C)(1--6) has been fully considered.

B. 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.

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

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

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances as identified in Section 15.52.060(C), or conflict with existing local laws or ordinances.

F. Upon filing of an application for a variance by a property owner, contractor or authorized representative of the owner or contractor, the secretary of the board shall schedule a public hearing for the next regular meeting and shall give notice as prescribed in Section 17.68.090 of the Aberdeen Municipal Code.

G. Any applicant to whom a variance is granted shall be mailed written notice within ten days from date of decision by the secretary for the board which states 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. The notice shall inform the applicant that failure to obtain a permit for construction within one year, unless otherwise specified by the board, will result in loss of all rights obtained by the variance and construction pursuant to the variance is not authorized until all appeals have terminated and the decision is final unless a petition for review is filed with superior court within twenty-one (21) calendar days from date of decision. Upon final action denying an application for a variance, the board shall not accept further filing of an application for substantially the same variance involving substantially the same property within one year from the date of denial. (Prior code § 2.20.070)

(6367, Amended, 09/22/2004)

Section 15.52.090 General standards for flood hazard protection.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new and substantially improved construction shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured home installations shall be done in accordance with the requirements of Chapter 15.56 of the Aberdeen Municipal Code.

B. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or

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eliminate infiltration of flood waters into the system.

2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.

3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. On-site utilities such as sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage.

5. All new and replacement utility systems within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork in particular, must either be placed above the base flood elevation or sealed from floodwaters.

C. Subdivision Proposals.

1. All proposals shall be consistent with the need to minimize flood damage.

2. All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

3. All proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less).

D. Review of Building Permits. Where elevation data is available, the provisions of Section 15.52.100 shall apply. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

E. Other Permits. The applicant shall obtain all required federal, state and local permits.

F. Construction Materials and Methods.

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

2. Crawlspace.

a. All new construction and substantial improvements shall have the portions of the building below the base flood elevation constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevation.

b. The interior grade of a crawlspace below the base flood elevation must not be more than 2 feet below the lowest adjacent grade.

c. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point.

d. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

e. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace.

f. There must be openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters.

(6357, Amended, 04/14/2004)

Section 15.52.100 Specific standards for flood hazard protection.

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The following provisions are required unless a variance is obtained as provided in Section 15.52.060:

A. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1.10 feet above base flood elevation, or above mean sea level datum (NGVD) elevation 9.3 (City of Aberdeen datum elevation 14.1) -- whether or not in the special flood hazard area, whichever is the higher elevation. In addition, all new construction or substantial improvement of any residential structure within Zones A1-30, AH and AE shall have the top of elevated foundations at or above base flood elevation.

1. The minimum floor elevation, in addition to the above, for any residential structure, whether or not within the special flood hazard area, shall be not less than 1.5 feet above the average centerline of the adjacent street, or as determined by the city engineer if special topography conditions warrant.

2. Positive drainage, including but not limited to gutters, down-spouts, piping, sloping of ground, etc., shall be conveyed to the nearest storm drain system in the adjacent right-of-way per the requirements of the city engineer, if in his opinion such is needed to reduce impacts upon adjacent properties, whether or not within the special flood hazard area.

3. All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the bottom of the floor joists are at least eight tenths of a foot (0.80) above base flood elevation or the lowest floor of the manufactured home is above mean sea level datum (NGVD) elevation 9.3 (City of Aberdeen datum elevation 14.1) -- whether or not in the special flood hazard area, whichever is the higher elevation. The manufactured home shall be securely anchored to an adequately designed foundation system in accordance with provisions of Section 15.52.090.

4. Recreational vehicles placed on sites within Zones A1-A30, AH and AE shall either:

- a) Be on the site fewer than 180 consecutive days; or
- b) Be fully licensed and ready for highway use, 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; or
- c) Meet the requirements of subsection 3 above.

B. Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or any other nonresidential structure shall have the lowest floor, including basement, elevated to 1.10 feet above base flood elevation, or above mean sea level datum (NGVD) elevation 9.3 (City of Aberdeen datum elevation 14.1) -- whether or not in the special flood hazard area, whichever is the higher elevation. A lesser elevation above base flood elevation may be set if a soils report by a registered professional engineer demonstrates final settlement of the structure will not lower the floor below base flood elevation, or, together with attendant utility and sanitary facilities, the structure shall:

1. Be floodproofed so that below 1.6 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

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

3. Have the minimum floor elevation, in addition to the above, for any nonresidential structure, whether or not in the special flood hazard area, be not less than 0.5 feet above the average centerline of the adjacent street, or as determined by the city engineer if special topography conditions warrant;

4. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the city engineer as set forth in Section 15.52.040(C)(2);

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5. The floodproofing standards contained in the FEMA-FIA Technical Bulletin 3-93, or latest revision thereof, shall be used as references where floodproofing is required.

6. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

7. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated 2.10 feet or more above the level of the base flood elevation (100 year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

C. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (6463, Amended, 07/23/2008; 6357, Amended, 04/14/2004; Ord. 6222, Amended, 07/28/1999; 6180, Amended, 03/04/1998)

Section 15.52.110 Floodways.

Floodways are designated areas within the special flood hazard areas established in Section 15.52.030(B). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless documentation and certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge and the proposed improvement is in compliance with the provisions of the Shoreline Master Program. In addition, all new construction and substantial improvements shall be certified by a registered professional engineer or architect that the structures or works are designed so as not to be appreciably damaged by floodwater and that all applicable flood hazard reduction provisions of Sections 15.52.090 and 15.52.100 are complied with.

B. Construction or reconstruction of residential structures is prohibited within designated floodways except for:

1. Repairs, reconstruction, or improvements to a structure which do not increase the ground area;

2. Repairs, reconstruction or improvement to a structure, the cost of which does not exceed 50 percent of the market value of the structure either.

a. Before the repair, or reconstruction is started; or

b. If the structure has been damaged, and is being restored, before the damage occurred. 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 to

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structures identified as historic places shall not be included in the 50 percent.

(6357, Amended, 04/14/2004)

Section 15.52.120 Violations--Penalties.

A. Any violation of the provisions of this ordinance or amendments thereto is hereby made a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00). Each day such violation continues may be considered a separate offense.

B. Notwithstanding the imposition of any penalties hereunder, the city may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this chapter or any administrative decisions made pursuant to this chapter. (Prior code § 2.20.110)

Section 15.52.130 Elevation Certificates

A. Land Surveyors licensed by the State of Washington are authorized to set floor and fill elevations and prepare Elevation Certificates for new and existing buildings.

B. Prior to placing a foundation all new construction or substantial improvements subject to the provisions of this chapter shall have an Elevation Certificate prepared by a land surveyor certifying an on-site Base Flood Elevation.

(6463, Amended, 07/23/2008; 6357, Added, 04/14/2004)

