

AN ORDINANCE TO PROVIDE FOR THE HEALTH, SAFETY, CONVENIENCE, COMFORT AND GENERAL WELFARE OF THE CITY OF ST. MARY, MISSOURI; TO REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OR LOCATION OF BUILDINGS, STRUCTURES, EXCAVATION, ETC. TO MINIMIZE POTENTIAL FLOOD HAZARDS AS DETERMINED BY THE FEDERAL INSURANCE ADMINISTRATION; TO PROVIDE FOR ITS ENFORCEMENT BY A ZONING ADMINISTRATOR, AND TO PRESCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND TO PRESCRIBE THEIR POWERS AND DUTIES; TO PROVIDE FOR APPEALS TO FEDERAL INSURANCE ADMINISTRATOR; TO PROVIDE FOR AMENDMENTS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND STATING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, the United States Congress has enacted the "National Flood Insurance Program", which is administered by the Federal Insurance Administration, the purpose of which is to control development in communities, parts of which are located in the flood plains of various rivers and their tributaries; and

WHEREAS, the Federal Insurance Administration has prepared a study entitled, "Flood Insurance Study of St. Mary, Missouri" which delineates the flood hazard areas within the City limits of St. Mary, Missouri; and

WHEREAS, the City of St. Mary is desirous of participating in the "National Flood Insurance Program" in order to enable its residents to purchase flood insurance for the protection of their properties; and

WHEREAS, in order to participate in the "National Flood Insurance Program", it is mandatory that the City of St. Mary enact an ordinance regulating all new development and substantial improvements in the areas delineated as "flood hazard areas" within the City limits of the City of St. Mary; and

WHEREAS, such an ordinance must be enacted pursuant to all applicable zoning laws and procedures as set out in Chapter 89 of the RSMo. 1969, as amended; and

WHEREAS, pursuant to Chapter 89, RSMo., 1969, as amended, a public hearing was held on the 8th day of September, 1977, at 7:00 P.M. at the City Hall;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

Section 1. TITLE: This Ordinance shall be known and may be cited and referred to as the "Flood Plain Zoning Ordinance of the City of St. Mary, Missouri".

Section 2. DEFINITIONS:

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

APPEAL - a request for a review of the Zoning Administrator's interpretation of any provision in this Ordinance or a request for a variance.

AREA OF SHALLOW FLOODING - a designated Zone "AO" on the City of St. Marys Flood Insurance Rate Map (FIRM) with base flood depths from 1-3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminant, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD - the land in the flood plain within the City which is subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD - a flood having a 1% chance of being equalled or exceeded in any given year.

CITY - City of St. Mary, Missouri.

DEVELOPMENT - 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.

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION - a parcel (or continuous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile 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 this Ordinance.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION -

The preparation of additional sites by the construction of

facilities or servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

FLOOD OR FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland waters, or
- 2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP - official map of the City on which the Flood Insurance Study has delineated the flood hazard boundaries and the floodways. Said map is attached hereto, marked Exhibit "A" and incorporated herein.

FLOOD HAZARD BOUNDARY MAP (FHBM) AND FLOOD INSURANCE RATE MAP (FIRM) - the official map of the City on which the Flood Insurance Study has delineated the flood hazard boundaries and insurance rates applicable to the City. Said map is attached hereto, marked Exhibit "B" and incorporated herein.

FLOOD INSURANCE STUDY - the official report provided by the Federal Insurance Administration which contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood. Said report is attached hereto and marked Exhibit "C".

FLOOD-PROOFED - Water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

FLOODWAY - the channel of a river or other watercourse in 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.

HABITABLE FLOOR - any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

MEAN SEA LEVEL - average height of sea for all stages of the tide.

MOBILE HOME - a structure transportable in one or more sections which is 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.

NEW CONSTRUCTION - structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION - a parcel (or continuous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile 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 on or after the effective date of this Ordinance.

START OF CONSTRUCTION - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, filling, the installation of streets and/or walkways, excavation for basements, footings, piers or foundations, or the erection of temporary forms; nor the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STRUCTURE - a walled and roofed building that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improve-

ment of a structure, the cost of which equals or exceeds 50% 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 a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- 2) Any alteration of a structure listed on the National Register of Historic Places or the State of Missouri Inventory of Historic Places.

VARIANCE - a grant of relief to a person from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Section 3. DISTRICT BOUNDARIES:

A. In order to regulate the development, construction, alteration, remodeling, etc. of buildings and structures in the flood plain of the City as determined by the "Flood Insurance Study of the City of St. Mary, Missouri", the City is hereby divided into districts of which there shall be six (6) in number known as:

1. Zone "A" - Unnumbered A Zones
2. Zone "AO" - Shallow Flooding Zones
3. Zone "A1-A30" - Flood Hazard Zones
4. Zone "B" - Limited Flood Zones
5. Zone "C" - Non-flood Zones
6. Zone "F" - Floodways

B. Boundaries of these various districts are shown upon the "Flood Boundary and Floodway Map - 01F", "Flood Hazard Boundary Map H-01", and "Flood Insurance Rate Map I-01" which accompany this Ordinance and are made a part hereof. One copy of each map shall be attested by the City Clerk and kept on file in the City Hall.

C. All territory annexed subsequent to the adoption of this Ordinance shall be classified Zone "A". Within a reasonable

time after the annexation of the territory, the Planning Commission and Board of Aldermen, with proper consultation, shall establish preliminary zoning classifications in accordance with provisions of this Ordinance, subject to final study of any flood hazard areas by the Federal Insurance Administration.

Section 4. DEVELOPMENT:

No development shall take place, and specifically no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, without compliance with this Ordinance.

Section 5. ZONE "A" - Unnumbered A Zones - Regulations and Requirements:

A. New constructions, including prefabricated homes and mobile homes, and substantial improvements must be anchored to prevent flotation and lateral movement and be constructed with flood resistant materials and methods to minimize flood damage.

B. All mobile homes to be placed shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Anchoring requirements shall be that:

1. Over-the-top ties be provided in each of the four corners of the mobile homes, with two additional ties per side at intermediate locations. Mobile homes less than 50 feet long need only one additional tie per side.
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points. Mobile homes less than 50 feet long need only four additional ties per side.
3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
4. Any additions to the mobile home be similarly anchored.

C. New water and sewer systems must be located and designed to minimize or eliminate infiltration of flood waters into the systems. New and replacement sanitary sewage systems must be designed to minimize or eliminate discharges from the systems into flood waters.

D. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during the flooding.

E. Storage or processing of materials that are in time of flooding buoyant, flammable, explosive or possibly injurious to

human, animal or plant life is prohibited.

F. Storage or processing of other materials and equipment is allowable if not subject to major damage by floods, provided, such items are firmly anchored to prevent flotation, or if readily removable from the area within the time available for flood warning.

G. Residential structures, new construction or substantial improvement to existing structures, must have their lowest ~~flood~~^{floor}, including basement, elevated to or above the base flood level.

H. Non-residential structures, new construction or substantial improvement to existing structures, must have their lowest floor, including basement, elevated or flood-proofed to or above the base flood level.

Section 6. ZONE "AO" - Shallow Flooding Zones - Regulations and Requirements:

A. Subsections A through F of Section 5 shall also apply to Zone "AO".

B. Residential structures, new construction or substantial improvement shall have the lowest floor, including basement, elevated above the crown of the nearest street or above the depth number specified on the City's Flood Insurance Rate Map.

C. Non-residential structures, new construction or substantial improvement, shall:

1. Have the lowest floor, including basement, elevated above the crown of the nearest street or above the depth number specified on the City's Flood Insurance Rate Map, or
2. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Section 7. ZONES "A1-A30" - Flood Hazard Zones - Regulations and Requirements:

A. Subsections A through F of Section 5 shall also apply to Zones "A1 through A30".

B. Residential structures, new construction or substantial improvement, shall have the lowest floor, including basement, elevated to or above the base flood elevation.

C. Non-residential structures, new construction or substantial improvement, shall have either the lowest floor, including basement, elevated to the level of the base flood

elevation, or together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator of the City.

D. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; and for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in mobile home parks or mobile home subdivisions, it shall be required that:

1. Stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
2. Adequate surface drainage and access for a hauler are provided.
3. In the instance of elevation on pilings:
 - a) Lots are large enough to permit steps
 - b) Piling foundations are placed in stable soil not more than 10 feet apart
 - c) Reinforcement is provided for pilings more than 6 feet above the ground level

Section 8. ZONE "B"- Limited Flood Zone
ZONE "C"- Non-flood Zone
Regulations and Requirements:

A. All development shall be consistent with the need to minimize flood damage.

B. Public utilities and facilities such as sewer, gas, electric and water systems which are installed to serve new developments shall be located and constructed to minimize flood damage.

C. All developments shall have adequate surface water drainage facilities provided to reduce exposure to flood hazards over other areas of the City.

Section 9. ZONE "F" - Floodways--Regulations and Requirements:

Since floodways are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
2. If the above subsection is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of all "A" Zones.
3. Prohibit the placement of any mobile home, except in an existing mobile home park or existing mobile home subdivision.

Section 10. STANDARDS FOR SUBDIVISION PROPOSALS:

A. All subdivision proposals shall be submitted to the City Planning Commission for approval and the following minimum standards shall be required for approval:

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 electric, and water systems located and constructed to minimize flood damage.
3. All proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which are greater than fifty lots or five acres.
5. All proposals shall be accompanied by a plat of the proposed subdivision, submitted in duplicate to the City Planning Commission and the Board of Aldermen. After approval one copy shall be recorded in the Office of the Recorder of Deeds of Ste. Genevieve County, Missouri and one copy kept on permanent file by the City Clerk.

Section 11. NON-CONFORMING USES:

A. A lawful use of a building existing at the time of the adoption of this Ordinance may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provision shall apply also to the non-conforming uses in districts as may be hereafter changed. Whenever a non-conforming use of a building has been

changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

B. No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of its replacement value shall be restored except in conformity with the regulations of this Ordinance.

C. In the event that a non-conforming use of any building or any premises is discontinued or its normal operations stopped for a period of 36 consecutive months, the use of the same shall thereafter conform to the regulations of the district in which it is located.

D. No non-conforming use or substantial improvement of that use shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.

Section 12. ENFORCEMENT, APPLICATIONS:

A. It shall be the duty of the person designated by the Mayor as the Zoning Administrator to administer and enforce the regulations contained herein.

B. The duties of the Zoning Administrator shall include but not be limited to:

1. Review of all development plans to assure that sites are reasonably safe from flooding and that the permit requirements of this Ordinance have been satisfied.
2. Review plans for proposed development to insure that all necessary permits have been obtained from those Federal, State or local governmental agencies for which prior approval is required.
3. Prior to any alteration or relocation of a watercourse, assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
4. In flood hazard zones, verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, or if applicable, the actual elevation to which the new or substantially improved structures have been flood-proofed, as well as obtaining certification from a registered professional engineer or architect as to flood-proofing.
5. Where interpretation is needed as to the exact location of the boundaries of areas of special flood hazards, the Zoning Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 13.

6. When base flood elevation data has not been provided in accordance with this Ordinance, then the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation data available from any Federal, State or local source, in order to administer the provisions of this section.

C. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structure, or of any portion thereof, without first having applied in writing to the Zoning Administrator for a building permit to do so and a building permit has been granted therefore. Every application for a building permit shall be in writing and delivered to the Zoning Administrator and shall be accompanied by a detailed set of plans in duplicate showing the nature, location, dimensions and elevations of the area in question; location of existing or proposed structures, fill, storage of materials, drainage facilities, and utilities. In addition to the above, in flood hazard zones, "A", "AO", "A1-A30", the following information is also required prior to the issuance of a permit:

1. Elevation in relation to mean sea level of the lowest floor, including basement of all structures.
2. Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed.
3. If applicable, the description of the extent to which any watercourse will be altered or re-located as a result of the proposed development.

On the issuance of a permit, one set of said plans shall be retained by the Zoning Administrator as a permanent record and one set shall be returned to the applicant.

D. Blank forms shall be provided by the Zoning Administrator for the use of those applying for permits as provided for in this Ordinance. Any permits issued by the Zoning Administrator shall be on standard forms for such purpose and furnished by the City.

E. A careful record of all such applications, plans and permits shall be kept in the Office of the Zoning Administrator. Fees to be charged for building permits from and after the passage of this Ordinance shall be as follows:

For work costing \$500 or less	- \$ 2.50
For work costing over \$500 but not over \$1,000	- 3.00
For work costing over \$1,000 but not over \$2,500	- 4.00
For work costing over \$2,500 but not over \$5,000	- 6.00
For work costing over \$5,000 but not over \$10,000	- 8.00
For work costing over \$10,000 but not over \$25,000	- 12.00
For work costing over \$25,000 but not over \$50,000	- 17.00
For work costing over \$50,000 to cost	- 27.00

F. Any building permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which the proposed construction has not been completed within two years of the date of issue, shall expire by limitations; and no work or operation shall take place under such permit after such expiration. Upon payment of \$0.10 per month for each \$1,000.00 of the construction cost on which the original permit was issued, but not less than \$1.00 per month in any case, a building permit may be once extended for a period not exceeding six months by the Zoning Administrator.

Section 13. BOARD OF ADJUSTMENT-VARIANCES:

A. A Board of Adjustment is hereby created. The Board shall consist of five (5) members appointed by the Mayor and approved by the Board of Aldermen, each to be appointed for a term of five (5) years excepting when the Board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members shall be removable for cause by the Mayor and Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

B. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Each session of the Board of Adjustment at which an appeal is to be heard shall be a public meeting with public notice of said meeting and business to be carried or published in a newspaper of general circulation in the City, at least one time seven (7) days prior to the meeting.

C. An appeal may be taken to the Board of Adjustment by any person, group, or organization, public or private, affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. A fee of \$10.00 shall accompany all notices of appeal. The Zoning Administrator shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

D. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance, and may affirm or reverse, in whole or part, said decision of the Zoning Administrator.

2. To hear requests for variances from the literal provisions of the Zoning Ordinance in instances where strict enforcement of the Zoning Ordinance would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Ordinance. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the Ordinance. The Board of Adjustment may impose conditions in the granting of a variance to insure compliance and protect adjacent property.

3. To hold public hearings on and decide exceptions to or variations of this Ordinance. In passing upon such applications the Board of Adjustment shall consider all technical evaluations, all relevant factors, and all standards specified in other sections of this Ordinance, and:

- a) the danger that materials may be swept onto other lands to the injury of others;
- b) danger to life and property due to flooding or erosion damage;
- c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d) the importance of the services provided by the proposed facility to the community;

- e) the necessity to the facility of a water-front location, where applicable;
- f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g) the compatibility of the proposed use with existing and anticipated development;
- h) the relationship of the proposed use to the comprehensive plan and flood plan management program for that area;
- i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site;
- k) the costs 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, streets and bridges;
- l) generally, 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 items 3 (a) through (k) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

Section 14. CONDITIONS FOR VARIANCES:

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

B. Variances shall only be issued upon (1) showing a good and sufficient cause; (2) a determination that failure to grant a variance would result in exceptional hardship to the applicant; (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, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the

reduced lowest floor elevation.

Section 15. APPEAL PROCEDURE FOR CORRECTION OF OFFICIAL FLOOD HAZARD BOUNDARY MAP:

A. Any owner or lessee of property who believes his property has been wrongly included in a designated "A", "AO", "A1-A30" or "F" Zone on the Flood Hazard Boundary Map or the Flood Boundary and Floodway Map may submit scientific or technical information to the Federal Insurance Administrator for his review.

B. Scientific and technical information may include, but is not limited to the following:

1. An actual copy of the record plat or map bearing the seal of the Recorder of Deeds and indicating the official recordation and proper plat book volume and page numbers of the plat of the land in question, and
2. a topographical map showing:
 - a) ground elevation contours,
 - b) the total area of the property in question,
 - c) the location of the structure or structures located on the property in question,
 - d) the elevation of the lowest floor including basement of the structure or structures, and
 - e) an indication of the curvilinear line which represents the area subject to inundation by a base flood. The curvilinear line should be based upon the information provided by any appropriate authoritative source such as the City or County Engineer, the Federal Insurance Administration Flood Insurance Study or a determination by a registered professional engineer.
3. A copy of the Flood Hazard Boundary Map or the Flood Insurance Rate Map indicating location of the property in question.
4. A certification by a registered professional engineer, or licensed land surveyor, of the type of structure and that the lowest floor of the structure, including basement, is above the base flood level. Where there has been a final flood elevation determination, and fill has altered the topography, such certification shall include the date that the fill was placed on the property.

Section 16. AMENDMENTS:

A. The Board of Aldermen may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established, particularly to reflect any and all changes in the National Flood Disaster Protection Act of 1973. Provided, however, that any proposed amendment,

supplement, change, modification, or repeal shall first be submitted to the City Planning Commission for its recommendation and report. If the City Planning Commission makes no report within 30 days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, or change. Upon the filing of the recommendations and report by the City Planning Commission with respect to any proposed amendment, supplement, change, modification, or repeal, the Board of Aldermen shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the City of St. Mary, Missouri.

In case of an adverse report by the City Planning Commission or if a protest against such proposed amendment, supplement, change, modification, or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of ten percent (10%) or more, either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification, or repeal, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths (3/4ths) of all the members of the Board of Aldermen. The regulations of this Ordinance are in compliance with the National Flood Insurance Program regulations as published in the Federal Register, Volume 41, No. 207, dated October 26, 1976.

Section 16. VIOLATION AND PENALTY:

A. The owner or agent of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which such violation has been committed or shall exist; or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall

exist; shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by such fine and imprisonment, in the discretion of the Court. Any such person having been served with an Order to remove any such violation, failing to comply with said Order within ten (10) days after such notice or continuing to violate any provision of the regulations made under authority of this Ordinance in the respect named in such order, shall be subject to a civil penalty of Two-Hundred Fifty Dollars (\$250.00).

Section 17. VALIDITY:

A. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 18. CONFLICTING ORDINANCES REPEALED:

A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 19. WHEN THIS ORDINANCE IS EFFECTIVE:

This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and approved this 8th day of September, 1977, by a vote of 3 ayes, _____ nays, 0 abstentions and 1 absences.


MAYOR

ATTEST:


City Clerk