

TOWN OF MADISONVILLE
REGULAR COUNCIL MEETING
MAY 10, 2006

Mayor Gitz called the meeting to order at 7:30 p.m. C.S.T.

On roll call the following answered present: Mayor Gitz, Councilman Badeaux, Councilman Bounds, Councilwoman Fruge, Councilman Lange and Councilman Ostendorf. Absent: None

Motion by Councilman Lange, seconded by Councilman Ostendorf approving the April 12, 2006 minutes as written. Motion carried unanimously.

Motion by Councilman Bounds, seconded by Councilman Lange approving the February 2006 Financial Statements as prepared. Motion carried unanimously.

Comments from those in attendance:

Sylvia Leyva complained of the rubbish in the streets on Tuesdays in front of Mortens Restaurant. Mayor Gitz stated he has previously requested they remove the containers from the streets, but will speak to them again about this problem.

Judy Darby requested permission for the Tickfaw 200 to be held in Madisonville again next year. She asked if there were any problems with the event this past weekend. Mayor Gitz stated he had no complaints.

Collins Bigner asked if there was a law on the books about how many animals a person can have and the excessive barking of dogs. Mayor said the Town did not have an ordinance to address that issue but that Mr. Bigner should call the police every time the dogs disturb him and the police can warn the owner that the animals are disturbing the peace.

Motion by Councilman Ostendorf, seconded by Councilman Badeaux to table the "Conditional Use" request of Stephen Neal until the June meeting. Motion carried unanimously.

Motion by Councilman Bounds, seconded by Councilman Lange approving a six (6) month extension of time on the following temporary mobile home permits: Terry Glockner, 701 Morgan, Hazel Glockner, 605 Morgan St., Edward Mungovan, 103 Rene St. Motion carried unanimously.

Ron Weber, with PEC, reported the bids on the gas extension will be opened on Tuesday, May 16th with the bids being awarded on Thursday, May 18th. Mr. Weber also reported the site of the new meter station on Highway 190 has been moved.

Mayor Gitz stated that Moses Chatellier, 451 Highway 22, has requested to be connected to the town sewer. Mayor Gitz asked Mr. Weber to check the distance to the last manhole on Highway 22 and bring this information to the June meeting for consideration.

Motion by Councilman Ostendorf, seconded by Councilman Lange approving the following:

ORDINANCE NO.: 88

BE IT ORDAINED BY THE Mayor and the Council of the Town of Madisonville, that the "Code of Ordinances" of the Town of Madisonville, Chapter 10, Article D be amended by adding Section 10:38 as follows:

Section 10.38. The governing body of the Town of Madisonville has been petitioned by Woodlands, L.L.C, owners of the property, represented by James D. Scherer and Jan Scherer Songy, to annex property into the Town. The Register of Voters has certified that there are no registered voters domiciled within the boundaries of the property to be annexed. The St. Tammany Parish Assessor has certified that the assessed valuation of the tract is five thousand four hundred twenty dollars (\$5420.00).

The property herein after described be and it is hereby incorporated into the corporate limits of the Town of Madisonville by virtue of this ordinance.

DESCRIPTION OF PROPERTY TO BE INCORPORATED

A CERTAIN PIECE OR PORTION OF GROUND situated in **Section 38, Township 7 South, Range 10 East, Parish of St. Tammany, State of Louisiana**, and more fully described as follows:

Commence at the Section Corner common to Sections 38, 41 and 44, Township 7 South, Range 10 East; thence measure South 89 degrees 00 minutes West, a distance of 2062.0 feet to the **POINT OF BEGINNING**.

From the POINT OF BEGINNING, measure South 00 degrees 30 minutes East, a distance of 2259.0 feet to a point; thence measure North 55 degrees 00 minutes West, a distance of 1053.0 feet to a point; thence measure South 35 degrees 00 minutes West, a distance of 524.0 feet to a point; thence measure North 42 degrees 15 minutes West, a distance of 200.0 feet to point; thence measure North 25 degrees 15 minutes West, a distance of 135.0 feet to a point; thence measure North 09 degrees 15 minutes West, a distance of 165.0 feet to a point; thence measure North 03 degrees 45 minutes East, a distance of 445.0 feet to a point; thence measure North 06 degrees 45 minutes West, a distance of 76.3 feet to a point; thence measure North 15 degrees 30 minutes West, a distance of 100.0 feet to a point; thence measure North 21 degrees 30 minutes West, a distance of 100.0 feet to a point; thence measure North 37 degrees 15 minutes West, a distance of 210.0 feet to a point; thence measure North 47 degrees 45 minutes West, a distance of 500.0 feet to a point, thence measure 48 degrees 24 minutes West, a distance of 286.9 feet to a point; thence North 21 degrees 51 minutes 09 seconds East, a distance

of 229.17 feet to a point, thence measure North 89 degrees 00 minutes East, a distance of 2032.07 feet back to the Point of Beginning, containing 69.9 acres

All as more fully shown on the plat prepared by Fontcuberta Surveys, Inc. dated September 22, 2004, revised February 10, 2006.

BE IT FURTHER ORDAINED that, after the annexation of the above described property, the new perimeter of the Town of Madisonville shall be described as follows:

Being located in Sections 38, 39 and 43 Township 7 South, Range 10 East, also Sections 2, 37, 40 and 41 Township 8 South, Range 10 East, St. Tammany Parish, Louisiana.

From the Southwest Corner of Section 40 Township 8 South, Range 10 East, St. Tammany Parish, Louisiana this being the Point of Beginning.

From the Point of Beginning run North 10 degrees West, 350 feet to the Northwest Corner of Section 40, said point also being the Southwest Corner of Section 41 Township 8 South, Range 10 East; thence North, 233.0 feet to the Northwest Corner of Section 41 of the above mentioned Township and Range; thence North 02 degrees 25 minutes East, 1099.56 feet to the line separating Sections 2 and 37 Township 8 South, Range 10 East; thence continue North 02 degrees 25 minutes East, 957.0 feet to the Township Line between Township 7 South and Township 8 South; thence North 02 degrees 25 minutes East, 1735.8 feet; thence North, 2620.2 feet to the North line of Section 43 and the South line of Section 39; thence North, 4406.16 feet to the Section line between Sections 38 and 39 Township 7 South, Range 10 East; thence North, 384.78 feet to intersect the North line of the Lura Harrington Property line; thence West along said Lura Harrington line, 2956.4 feet to Lura's Northwest property corner; thence South, 384.7 feet to the Southwest Corner on the Section line between Sections 38 and 39; thence West, 349.8 feet to the Section Corner common to Sections 27, 38 and 39; thence North, 1454.64 feet along the Section line separating Sections 27 and 38 to the Section Corner common to Sections 27, 37 and 38; thence run North 00 degrees 32 minutes West along the line separating Sections 37 and 38, 1895.5 feet to the Section Corner common to Sections 37, 38 and 44; thence East along the line separating Sections 38 and 44, 1924.0 feet to a point on the West side of Galatas Road; thence North 89 degrees 00 minutes East, 2032.07 feet to a point (this point is South 89 degrees 00 minutes West, 2062 feet from the Section Corner common to Sections 38, 41 and 44); thence South 00 degrees 30 minutes East, 2259.0 feet to the Northeast Corner of Perkins Subdivision; thence South 35 degrees 00 minutes West, 230.0 feet; thence East, 2300 feet, more or less, to the centerline of La. Hwy. 21; thence South along said Highway to intersect the centerline of Bayou Desire; thence along the centerline of Bayou Desire to the intersection of a line with the West Bank of the Tchefuncte River; thence with the West Bank of the Tchefuncte River downstream to the confluence of Lake Ponchartrain; thence West along said Lakeshore back to the Point of Beginning.

As per corporation limit map of the Town of Madisonville, Louisiana, prepared by Land Engineering Service, Inc, of Covington, Louisiana.

YEAS: Councilman Badeaux, Councilman Bounds, Councilwoman Fruge,
Councilman Lange and Councilman Ostendorf
NAYS: None
ABSENT: None

Motion by Councilman Ostendorf, seconded by Councilwoman Fruge appointing Brad Haddox to the Fire District Board. Motion carried unanimously.

Steve Benton, Floodplain Administrator/Building Inspector, submitted a memo to the Mayor and Council in which he outlined the following:

1. Town's Floodplain Ordinance is in need of updating.
2. FEMA representative recommends Town adopting one (1) foot of "freeboard" above the existing map, then later adopt the corrected and updated map when it comes out.
3. Request the Town to adopt the new version of "FEMA Form 81-31, February 2006".
4. FEMA suggests if fill is brought in to elevate a home it should be sufficiently compacted, extend at least ten (10) feet beyond slab line and slope from there at 2:1 to natural ground.
5. Submitted a "Non Conversion Agreement" form that he would like to make a part of the permit package for raised buildings.

Motion by Councilwoman Fruge, seconded by Councilman Bounds approving the adoption of one (1) foot of "freeboard" above the existing map, the new version of the Elevation Certificate "FEMA Form 81-31, February 2006" and the "Non-conversion Agreement". Motion carried unanimously,

Councilman Badeaux reported after meetings with Kel-Ar, PEC, the Mayor and Ms. Phelps he feels the gas rates need to be increased in order for the Town to maintain its system.

Motion by Councilman Badeaux, seconded by Councilman Ostendorf that the flat rate on gas be increased from \$8.00 to \$10.00 per month and the per ccf rate be increased from \$0.15 cents to \$0.30 cents. Motion carried unanimously.

Mayor Gitz advised Council the police department is in need of two (2) new vehicles and recommends purchasing two (2) Ford Crown Victoria. Discussion was held at this time with Councilwoman Fruge adamantly proposing the town purchase at least one (1) SUV for the police department, particularly, since the hurricane season is upon us. She stated a SUV will help our police department when waters rise. Mayor Gitz disagreed with this and said the Town has trucks that can be utilized when necessary. Officer Smith said a SUV or F250 would be of more value during storms than a car. Councilman Ostendorf

stated while on the subject of the police department, he feels the Town needs to consider a raise since they are underpaid. Councilman Ostendorf said the Town trains the police then they go to other departments due to better pay. He suggested the finance committee and Mayor look at the funds and come up with better compensation.

Motion by Councilman Badeaux, seconded by Councilman Bounds approving the purchase of two (2) Ford Crown Vics for the police department. Motion carried unanimously.

Old Business : None

New Business:

Mayor Gitz reported that the Town is opposed to the “proposed” development on the Lake Road and there will most likely be a public hearing at the Town Hall on this matter. The Town is submitting their opposition in writing to this development.

Motion by Councilman Bounds, seconded by Councilman Ostendorf to pay all approved bills. Motion carried unanimously.

Motion by Councilman Ostendorf, seconded by Councilwoman Fruge that the meeting adjourn. Motion carried unanimously.

Cynthia C. Phelps
Town Clerk

ORDINANCE NO: 56
September 10, 1997

BE IT ORDAINED BY THE Mayor and Council of the Town of Madisonville, Louisiana, that the Code of Ordinances, Chapter 11, Article 2, Article 4, and Article 5, be amended as follows:

AMENDMENT TO FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 2, DEFINITIONS

Add the following definitions:

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved

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real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY 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 a designated height.

HISTORIC STRUCTURE - means 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 requirements 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;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or;
 - (2) Directly by the Secretary of the Interior in states without approved programs.

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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

SUBSTANTIAL DAMAGE - 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 50 percent of

the market value of the structure before the damage occurred.

Delete the following definitions:

APPEAL
HABITABLE FLOOR

Change the following definitions according to instructions provided:

DEVELOPMENT - Add the following phrase to the end of the definition: *or storage of equipment or materials.*

MANUFACTURED HOME - Change the last sentence in the definition to read: *The term "manufactured home" does not include a "recreational vehicle".*

NEW CONSTRUCTION - Change to read: *means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.* For floodplain management purposes, "new construction" means structures for which the "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 structures.*

START OF CONSTRUCTION - Insert *rehabilitation, addition* between "reconstruction" and "placement" in first sentence. Add after last sentence in definition: *For a substantial improvement, the actual start of 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 IMPROVEMENT - Change to read: means 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 "start of construction" of the improvement. This 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* 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".*

ARTICLE 4 ADMINISTRATION

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN

ADMINISTRATOR

- (2) Insert, *including the placement of manufactured homes*, after “building site”.
- (6) Change “Department of Urban and Community Affairs” to *Louisiana Department of Transportation and Development*.

Add new paragraph:

- (10) *Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AI-30, AE, and AH on the community’s FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.*

SECTION C. PERMIT PROCEDURES

- (1) Insert *including the placement of manufactured homes*, after “structures”.

SECTION D. VARIANCE PROCEDURES

Add new paragraph:

- (9) *Variances may be issued for 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.*

Renumber old paragraphs (9) to (10) and (10) to (11).

ARTICLE 5, PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION B. SPECIFIC STANDARDS

Change reference in introduction from “Article 5, Section C(4)” to *Article 5, Section C(3)*.

- (3) Enclosures - insert *are usable solely for parking of vehicles, building access or storage in an area other than a basement and which* after the word “that” in the first sentence.
- (4) **Manufactured Homes -**
 - a. Insert *on a community’s FHBM or FIRM* after “Zone A” in the first

sentence.

- b. Replace paragraph with: *Require that manufactured homes that are placed or substantially improved with Zones AI-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*
- c. Replace paragraph with: *Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones AI-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (4)b. of this section be elevated so that either:*
 - (i) *the lowest floor of the manufactured home is at or above the base flood elevation, or*
 - (ii) *the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

Add new paragraph:

- (5) *Recreational Vehicles - require that recreational vehicles placed on sites within Zones AI-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or, (iii) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. 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.*

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) Insert *the placement of* before "manufactured home parks".

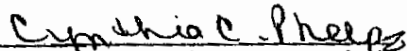
- (2) Insert *the placement of* before "manufactured home parks".
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- (4) Insert *the placement of* before "manufactured home parks".
- (5) Insert *the placement of* before "manufactured home parks".


I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its regular meeting held on Wednesday, September 10, 1997 at 7:30 p.m. following the reading of said ordinance, section by section, on motion by Mr. Tyrney, seconded by Ms. Fruge with the vote thereon as follows:

YEAS: Mr. Tyrney, Mr. Lange, Mr. Ostendorf, Mr. Pelloat, Ms. Fruge

NAYS: None

ABSENT: None


Cynthia C. Phelps, Town Clerk


Peter L. Gitz, Mayor

September 14, 1994

BE IT HEREBY ORDAINED BY THE Mayor and Council of the Town of Madisonville, LOUISIANA, that the Code of Ordinances, , Chapter 11, Section 11.5 entitled "Flood Control Regulations" be amended to add the following:

"Section 11.5 Permit Procedures"

- (a) Prior to original building construction, or construction of any addition to an existing building, the owner must submit to the building inspector plans, specifications, and plot plan showing set-back lines and building elevations, and submit an initial fee of one hundred (\$100.00) dollars to cover the four inspections provided for herein.
- (b) Following approval of the building inspector of the plans and plot plan, the owner must then notify the building inspector when the stakes have been driven so that he can inspect their conformity to the plans.
- (c) The building inspector must be notified when the foundation forms are set so that he may inspect the forms to ascertain their conformity to the plans and stakes.
- (d) Upon completion of the building, the building inspector shall be notified by the owner and make a final inspection, upon which, if approval is given, the electric utility company will be notified of such approval prior to connection and gas and water utilities shall then be available upon payment of the tap-in fees.
- (e) The inspection fees out-lined above are in connection with a determination of compliance with flood control regulations and are in addition to any other building permit fees contained in the Planning and Zoning ordinances.

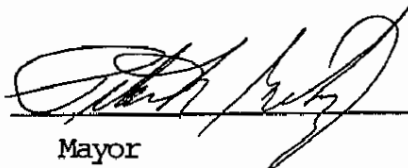
I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its' regular meeting held on Wednesday, September 14, 1994 at 7:30 PM following the reading of said ordinance section by section, on motion by Mr. Pelloat and seconded by Mr. Lange with the vote thereon as follows:

YEAS: Jean Pelloat, Jerry Lange, L.P. Ostendorf, Danny Tyrney

NAYS: David Stein
NONE

ABSENT: NONE

Cynthia C. Phelps
Town Clerk


Mayor

TOWN OF MADISONVILLE
REGULAR COUNCIL MEETING
MAY 10, 2006

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From the Southwest Corner of Section 40 Township 8 South, Range 10 East, St. Tammany Parish, Louisiana this being the Point of Beginning.

From the Point of Beginning run North 10 degrees West, 350 feet to the Northwest Corner of Section 40, said point also being the Southwest Corner of Section 41 Township 8 South, Range 10 East; thence North, 233.0 feet to the Northwest Corner of Section 41 of the above mentioned Township and Range; thence North 02 degrees 25 minutes East, 1099.56 feet to the line separating Sections 2 and 37 Township 8 South, Range 10 East; thence continue North 02 degrees 25 minutes East, 957.0 feet to the Township Line between Township 7 South and Township 8 South; thence North 02 degrees 25 minutes East, 1735.8 feet; thence North, 2620.2 feet to the North line of Section 43 and the South line of Section 39; thence North, 4406.16 feet to the Section line between Sections 38 and 39 Township 7 South, Range 10 East; thence North, 384.78 feet to intersect the North line of the Lura Harrington Property line; thence West along said Lura Harrington line, 2956.4 feet to Lura's Northwest property corner; thence South, 384.7 feet to the Southwest Corner on the Section line between Sections 38 and 39; thence West, 349.8 feet to the Section Corner common to Sections 27, 38 and 39; thence North, 1454.64 feet along the Section line separating Sections 27 and 38 to the Section Corner common to Sections 27, 37 and 38; thence run North 00 degrees 32 minutes West along the line separating Sections 37 and 38, 1895.5 feet to the Section Corner common to Sections 37, 38 and 44; thence East along the line separating Sections 38 and 44, 1924.0 feet to a point on the West side of Galatas Road; thence North 89 degrees 00 minutes East, 2032.07 feet to a point (this point is South 89 degrees 00 minutes West, 2062 feet from the Section Corner common to Sections 38, 41 and 44); thence South 00 degrees 30 minutes East, 2259.0 feet to the Northeast Corner of Perkins Subdivision; thence South 35 degrees 00 minutes West, 230.0 feet; thence East, 2300 feet, more or less, to the centerline of La. Hwy. 21; thence South along said Highway to intersect the centerline of Bayou Desire; thence along the centerline of Bayou Desire to the intersection of a line with the West Bank of the Tchefuncte River; thence with the West Bank of the Tchefuncte River downstream to the confluence of Lake Ponchartrain; thence West along said Lakeshore back to the Point of Beginning.

As per corporation limit map of the Town of Madisonville, Louisiana, prepared by Land Engineering Service, Inc, of Covington, Louisiana.

YEAS: Councilman Badeaux, Councilman Bounds, Councilwoman Fruge,
Councilman Lange and Councilman Ostendorf
NAYS: None
ABSENT: None

Motion by Councilman Ostendorf, seconded by Councilwoman Fruge appointing Brad Haddox to the Fire District Board. Motion carried unanimously.

Steve Benton, Floodplain Administrator/Building Inspector, submitted a memo to the Mayor and Council in which he outlined the following:

1. Town's Floodplain Ordinance is in need of updating.
2. FEMA representative recommends Town adopting one (1) foot of "freeboard" above the existing map, then later adopt the corrected and updated map when it comes out.
3. Request the Town to adopt the new version of "FEMA Form 81-31, February 2006".
4. FEMA suggests if fill is brought in to elevate a home it should be sufficiently compacted, extend at least ten (10) feet beyond slab line and slope from there at 2:1 to natural ground.
5. Submitted a "Non Conversion Agreement" form that he would like to make a part of the permit package for raised buildings.

Motion by Councilwoman Fruge, seconded by Councilman Bounds approving the adoption of one (1) foot of "freeboard" above the existing map, the new version of the Elevation Certificate "FEMA Form 81-31, February 2006" and the "Non-conversion Agreement". Motion carried unanimously,

Councilman Badeaux reported after meetings with Kel-Ar, PEC, the Mayor and Ms. Phelps he feels the gas rates need to be increased in order for the Town to maintain its system.

Motion by Councilman Badeaux, seconded by Councilman Ostendorf that the flat rate on gas be increased from \$8.00 to \$10.00 per month and the per ccf rate be increased from \$0.15 cents to \$0.30 cents. Motion carried unanimously.

Mayor Gitz advised Council the police department is in need of two (2) new vehicles and recommends purchasing two (2) Ford Crown Victoria. Discussion was held at this time with Councilwoman Fruge adamantly proposing the town purchase at least one (1) SUV for the police department, particularly, since the hurricane season is upon us. She stated a SUV will help our police department when waters rise. Mayor Gitz disagreed with this and said the Town has trucks that can be utilized when necessary. Officer Smith said a SUV or F250 would be of more value during storms than a car. Councilman Ostendorf

stated while on the subject of the police department, he feels the Town needs to consider a raise since they are underpaid. Councilman Ostendorf said the Town trains the police then they go to other departments due to better pay. He suggested the finance committee and Mayor look at the funds and come up with better compensation.

Motion by Councilman Badeaux, seconded by Councilman Bounds approving the purchase of two (2) Ford Crown Vics for the police department. Motion carried unanimously.

Old Business : None

New Business:

Mayor Gitz reported that the Town is opposed to the “proposed” development on the Lake Road and there will most likely be a public hearing at the Town Hall on this matter. The Town is submitting their opposition in writing to this development.

Motion by Councilman Bounds, seconded by Councilman Ostendorf to pay all approved bills. Motion carried unanimously.

Motion by Councilman Ostendorf, seconded by Councilwoman Fruge that the meeting adjourn. Motion carried unanimously.

Cynthia C. Phelps
Town Clerk

ORDINANCE NO: 56
September 10, 1997

BE IT ORDAINED BY THE Mayor and Council of the Town of Madisonville, Louisiana, that the Code of Ordinances, Chapter 11, Article 2, Article 4, and Article 5, be amended as follows:

AMENDMENT TO FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 2, DEFINITIONS

Add the following definitions:

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved

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real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY 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 a designated height.

HISTORIC STRUCTURE - means 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 requirements 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;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or;
 - (2) Directly by the Secretary of the Interior in states without approved programs.

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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

SUBSTANTIAL DAMAGE - 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 50 percent of

the market value of the structure before the damage occurred.

Delete the following definitions:

APPEAL
HABITABLE FLOOR

Change the following definitions according to instructions provided:

DEVELOPMENT - Add the following phrase to the end of the definition: *or storage of equipment or materials.*

MANUFACTURED HOME - Change the last sentence in the definition to read: *The term "manufactured home" does not include a "recreational vehicle".*

NEW CONSTRUCTION - Change to read: *means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.* For floodplain management purposes, "new construction" means structures for which the "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 structures.*

START OF CONSTRUCTION - Insert *rehabilitation, addition* between "reconstruction" and "placement" in first sentence. Add after last sentence in definition: *For a substantial improvement, the actual start of 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 IMPROVEMENT - Change to read: means 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 "start of construction" of the improvement. This 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* 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".*

ARTICLE 4 ADMINISTRATION

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN

ADMINISTRATOR

- (2) Insert, *including the placement of manufactured homes*, after “building site”.
- (6) Change “Department of Urban and Community Affairs” to *Louisiana Department of Transportation and Development*.

Add new paragraph:

- (10) *Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AI-30, AE, and AH on the community’s FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.*

SECTION C. PERMIT PROCEDURES

- (1) Insert *including the placement of manufactured homes*, after “structures”.

SECTION D. VARIANCE PROCEDURES

Add new paragraph:

- (9) *Variances may be issued for 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.*

Renumber old paragraphs (9) to (10) and (10) to (11).

ARTICLE 5, PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION B. SPECIFIC STANDARDS

Change reference in introduction from “Article 5, Section C(4)” to *Article 5, Section C(3)*.

- (3) Enclosures - insert *are usable solely for parking of vehicles, building access or storage in an area other than a basement and which* after the word “that” in the first sentence.
- (4) **Manufactured Homes -**
 - a. Insert *on a community’s FHBM or FIRM* after “Zone A” in the first

sentence.

- b. Replace paragraph with: *Require that manufactured homes that are placed or substantially improved with Zones AI-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

- c. Replace paragraph with: *Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones AI-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (4)b. of this section be elevated so that either:*
 - (i) *the lowest floor of the manufactured home is at or above the base flood elevation, or*

 - (ii) *the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

Add new paragraph:

- (5) *Recreational Vehicles - require that recreational vehicles placed on sites within Zones AI-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or, (iii) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. 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.*

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) Insert *the placement of* before "manufactured home parks".

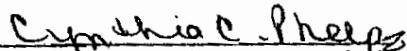
- (2) Insert *the placement of* before "manufactured home parks".
- (3) Insert *the placement of* before "manufactured home parks".
- (4) Insert *the placement of* before "manufactured home parks".
- (5) Insert *the placement of* before "manufactured home parks".


I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its regular meeting held on Wednesday, September 10, 1997 at 7:30 p.m. following the reading of said ordinance, section by section, on motion by Mr. Tyrney, seconded by Ms. Fruge with the vote thereon as follows:

YEAS: Mr. Tyrney, Mr. Lange, Mr. Ostendorf, Mr. Pelloat, Ms. Fruge

NAYS: None

ABSENT: None


Cynthia C. Phelps, Town Clerk


Peter L. Gitz, Mayor

September 14, 1994

BE IT HEREBY ORDAINED BY THE Mayor and Council of the Town of Madisonville, LOUISIANA, that the Code of Ordinances, , Chapter 11, Section 11.5 entitled "Flood Control Regulations" be amended to add the following:

"Section 11.5 Permit Procedures"

- (a) Prior to original building construction, or construction of any addition to an existing building, the owner must submit to the building inspector plans, specifications, and plot plan showing set-back lines and building elevations, and submit an initial fee of one hundred (\$100.00) dollars to cover the four inspections provided for herein.
- (b) Following approval of the building inspector of the plans and plot plan, the owner must then notify the building inspector when the stakes have been driven so that he can inspect their conformity to the plans.
- (c) The building inspector must be notified when the foundation forms are set so that he may inspect the forms to ascertain their conformity to the plans and stakes.
- (d) Upon completion of the building, the building inspector shall be notified by the owner and make a final inspection, upon which, if approval is given, the electric utility company will be notified of such approval prior to connection and gas and water utilities shall then be available upon payment of the tap-in fees.
- (e) The inspection fees out-lined above are in connection with a determination of compliance with flood control regulations and are in addition to any other building permit fees contained in the Planning and Zoning ordinances.

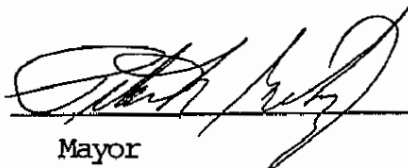
I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its' regular meeting held on Wednesday, September 14, 1994 at 7:30 PM following the reading of said ordinance section by section, on motion by Mr. Pelloat and seconded by Mr. Lange with the vote thereon as follows:

YEAS: Jean Pelloat, Jerry Lange, L.P. Ostendorf, Danny Tyrney

NAYS: David Stein
NONE

ABSENT: NONE

Cynthia C. Phelps
Town Clerk


Mayor

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Alderman George D. Tyrney, Jr. is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether proposed building site will be reasonable safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the 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) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is ^{Dept. of Urban & Community Affairs} ~~in Baton Rouge, Louisiana~~, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION C. PERMIT PROCEDURES

(1) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. 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;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) 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 ordinance.

(6) 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 the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

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

(9) Prerequisites for granting 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, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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 application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.

(10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements;

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(4), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure 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. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with 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 meet or exceed the following minimum criteria:

a. 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.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) **Manufactured Homes** -

a. Require that all manufactured homes to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section B (1).

c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of Section B(4) of this Article.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply;

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. 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 shall apply;

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

SECTION F. COASTAL HIGH HAZARD AREAS

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as Coastal High Hazard Areas (Zones VI-30, VE and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this ordinance, the following provisions must also apply:

(1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The Floodplain Administrator shall maintain a record of all such information.

(2) All new construction shall be located landward of the reach of mean high tide.

(3) All new construction and substantial improvements shall be elevated on pilings and columns so that:

(i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;

(ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval);

(iii) a registered professional engineer or architect shall develop or review the structural design, specification and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (3)(i),(ii) and (ii) of this Section.

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and nor more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).

(5) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(6) Prohibit the use of fill for structural support of buildings.

(7) Prohibit man-made alteration of sand dunes and mangrove stands which would increase potential flood damage.

C E R T I F I C A T E

I, the undersigned, Mitzi C. Pfister, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Town of Madisonville, at a regular meeting duly
(local unit)

on March 11, 1987
(date)


(Secretary or responsible person)
TOWN CLERK

(SEAL)

BE IT ORDAINED BY THE Mayor and the Council of the Town of Madisonville that the "Code of Ordinances" of the Town of Madisonville, Chapter 11, articles C and D be amended as follows:

Articles C - Basis for establishing the Areas of Specific Flood Hazard is hereby amended to change the date "June 1980" to read "September 16, 1982".

Article D - Specific Standards is hereby amended to add (5) (a through l) as follows:

(5) Coastal High Hazard Areas (V ZONES) - Located within the areas of special flood hazard established in Article C, are areas designated as Coastal High Hazard Areas. These areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash; therefore, the following provisions shall apply:

a. (I) All buildings and structures within an area to which the Texas Open Beaches Act applies shall be located at or above the line of vegetation, or at least 300 feet from mean low tide where there is no visible line of vegetation; (ii) In areas which are not subject to provisions of the Texas Open Beaches Act, all buildings and structures shall be located landward of the reach of the mean higher tide.

b. All building or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Article D, (5) (h).

c. All buildings or structures shall be securely anchored on pilings or columns.

d. Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.

e. Compliance with provisions contained in Article D, (5) (b), (c) and (d) shall be certified by a registered professional engineer or architect.

f. Thereshall be no fill used as structural support.

g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

h. Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the buildings and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

i. Prior to construction, plans for any structure that have breakaway walls must be submitted to the administrator for approval.

j. If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

k. Any alteration, repair, reconstruction or improvements to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in Article D (5) (h), (i), and (j) above.

l. The placement of mobile homes is prohibited, except in an existing mobile home park or existing mobile home subdivision.

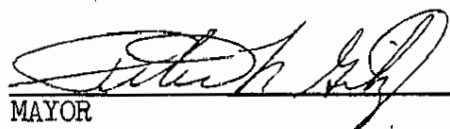
I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its regular meeting held on Wednesday February 8, 1983 at 7:30 p.m., following the reading of said ordinance section by section, on motion by Jean Pelloat and seconded by Phillip Baham with the vote thereon as follows:

YEAS: Jean Pelloat, Phillip Baham and Ray Stein.

NAYS: None

ABSENT: Pat Pelloat and L. P. Ostendorf.


TOWN CLERK


MAYOR

BE IT ORDAINED BY THE Mayor and the Council of the Town of Madisonville that the "Code of Ordinances" of the Town of Madisonville, Chapter 11, articles C and D be amended as follows:

Articles C - Basis for establishing the Areas of Specific Flood Hazard is hereby amended to change the date "June 1980" to read "September 16, 1982".

Article D - Specific Standards is hereby amended to add (5) (a through l) as follows:

(5) Coastal High Hazard Areas (V ZONES) - Located within the areas of special flood hazard established in Article C, are areas designated as Coastal High Hazard Areas. These areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash; therefore, the following provisions shall apply:

a. (I) All buildings and structures within an area to which the Texas Open Beaches Act applies shall be located at or above the line of vegetation, or at least 300 feet from mean low tide where there is no visible line of vegetation; (ii) In areas which are not subject to provisions of the Texas Open Beaches Act, all buildings and structures shall be located landward of the reach of the mean higher tide.

b. All building or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Article D, (5) (h).

c. All buildings or structures shall be securely anchored on pilings or columns.

d. Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.

e. Compliance with provisions contained in Article D, (5) (b), (c) and (d) shall be certified by a registered professional engineer or architect.

f. There shall be no fill used as structural support.

g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

h. Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the buildings and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the buildings on which they are to be used.

i. Prior to construction, plans for any structure that have breakaway walls must be submitted to the administrator for approval.

j. If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

k. Any alteration, repair, reconstruction or improvements to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in Article D (5) (h), (i), and (j) above.

l. The placement of mobile homes is prohibited, except in an existing mobile home park or existing mobile home subdivision.

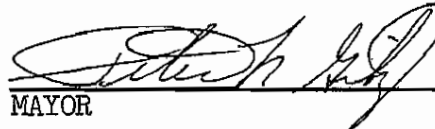
I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its regular meeting held on Wednesday February 8, 1983 at 7:30 p.m., following the reading of said ordinance section by section, on motion by Jean Pelloat and seconded by Phillip Baham with the vote thereon as follows:

YEAS: Jean Pelloat, Phillip Baham and Ray Stein.

NAYS: None

ABSENT: Pat Pelloat and L. P. Ostendorf.


TOWN CLERK


MAYOR

3/11/87

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Louisiana has in Louisiana Revised Statutes delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

SECTION B. CHARTER AUTHORIZATION

The Legislature of the State of Louisiana has in the Charter of the Town of Madisonville further granted to it the responsibility to adopt regulations designed to minimize flood losses.

Be It Hereby ordained by the Mayor and Board of Aldermen of the Town of Madisonville that the Code of Ordinances of the Town of Madisonville be amended as follows and that the articles and sections of the following ordinance be made to coincide with the existing articles and sections of the Code of Ordinances:

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance 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 to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

FLOOD DAMAGE PREVENTION ORDINANCE

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ARTICLE 2

DEFINITIONS

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

APPEAL - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equalled or exceeded in any given year.

BREAKAWAY WALLS - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

COASTAL HIGH HAZARD AREA - means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30, VE or V.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

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

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

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODWAY (REGULATORY 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 a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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 requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), 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 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 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 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.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement 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 purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. 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 a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

ARTICLE 3
GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Town of Madisonville, Louisiana
(local unit)

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for TOWN OF MADISONVILLE," dated MARCH 16, 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and PBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

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

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, 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.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

OCT. 8, 1980

CHAPTER 11

FLOOD CONTROL REGULATIONS

ARTICLE A

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHOD

Section 11.1 Statutory Authorization.

The Legislature of the State of Louisiana has in LSR - R.S. 38:84 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of the Town of Madisonville, Louisiana does ordain as follows:

Section 11.2 Findings of Fact.

The flood hazard areas of the Town of Madisonville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

These flood losses are created by the cumulative effect of obstruction in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

Section 11.3 Statement of Purpose.

It is the purpose of this ordinance 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 to:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for 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 flood plains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,

(7) To insure the potential buyers are notified that property is in a flood area.

Section 11.4 Methods of Reducing Flood Losses.

In order to accomplish its purpose, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodations of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE B

DEFINITIONS

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

Appeal - means a request for a review of the administrator's interpretation of any provisions of this ordinance or a request for a variance.

Area of Shallow Flooding - means a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base

Flood depths from one to three feet. This condition occurs where a clearly defined channel does not exist, where velocity flow may be evident.

Area of Special Flood Hazard - is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood - means the flood having a one percent chance of being equalled or exceeded in any given year.

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.

Existing Mobile Home Park or Mobile Home Subdivision - means a parcel (or contiguous 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 - means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or the pouring of concrete pads or the construction of streets).

Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood Hazard Boundary Map (FHBM) - means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study - is the official report provided by the Federal Insurance Administration. The report

contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodway - means the channel of a river or other water-course 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.

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

Mean Sea Level - means the average height of the sea for all stages of the tide.

Mobile Home - means 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 Mobile Home Park or Mobile Home Subdivisions - means a parcel (or contiguous 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 - means 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, 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 dwellings 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 piling 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 construc-

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

Substantial Improvement - means any repair, reconstruction, or improvement 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 damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external demensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State of 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 of a State Inventory of Historic Places.

Variance - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance.

ARTICLE C

GENERAL PROVISIONS

Areas to Which this Ordinance Applies:

This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Madisonville.

Basis For Establishing The Areas of Specific Flood Hazard:

The areas of special flood hazard identified by the Federal Insurance Administration is a scientific and engineering report entitled "The Flood Insurance Study for the Town of Madisonville," dated June, 1980, with accompanying Flood Insurance Rate Maps and Flood Hazard Boundary - Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of this Ordinance.

Establishment of Development Permit:

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Compliance:

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Abrogation and Greater Restrictions:

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

Interpretation:

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally constructed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Warning and Disclaimer of Liability:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the Town of Madisonville or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 11.5 Designation of Administration:

The administrator will be appointed to administer and implement the provisions of this ordinance before the effective date of this ordinance.

Duties and Responsibilities of the Local Administrator

Duties and responsibilities of the administrator shall include, but not be limited to:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance;

(2) Review, approve or deny all applications for development permits required by Article C "Establishment of Development Permit";

(3) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required;

(4) Where interpretation is needed as to the 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) the administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article C "Variance Procedures (2)";

(5) Notify adjacent communities and the Louisiana Department of Urban and Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

(6) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;

(7) When the base flood elevation data has not been provided in accordance with Article C "Basis for Establishing the Areas of Special Flood Hazard", the administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer the provisions of Article D.

Permit Procedures:

(1) Application for a Development Permit shall be presented to the administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation in relation to mean sealevel, of the

lowest floor (including basement) of all proposed structures;

b. Elevation in relation to mean sea level, to which any non-residential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Article D "Specified Standards (2)";

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(2) Approval or denial of a Development Permit by the administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept into other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

g. 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;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the

comprehensive plan for that area.

Variance Procedures:

- (1) The Town Council as established by Town of Madisonville shall hear and render judgement on requests for variances from the requirements of this ordinance.
- (2) The Town Council shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the administrator in the enforcement or administration of this ordinance.
- (3) Any person or persons aggrieved by the decision of the Town Council may appeal such decisions in the courts of competent jurisdiction.
- (4) The administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.
- (5) 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.
- (6) 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 the relevant factors in Article C "Permit Procedures (2)" of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this ordinance, the Town Council may attach such conditions to the granting of variances as it deems necessary to further the "purpose and objectives" of this ordinance.
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determina-

tion that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (1) a showing of good and sufficient cause, and (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, 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 written notice that the structure will be permitted to be built with a lowest floor elevation certain feet 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.

ARTICLE D

PROVISIONS FOR FLOOD HAZARD REDUCTION

General Standards:

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

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters; and,
- (6) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Specific Standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article C "Basis for Establishing the Areas of Special Flood Hazards", Article C "Duties and Responsibilities of the Local Administration (7)" or Article D "Standards for Subdivision Proposals (3)". The following provisions are required:

(1) Residential Construction - New construction or substantial improvements of any residential structure shall have the lowest floor, including basement elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the administrator that the standard of this subsection as proposed in Article C "Permit Procedures (1) (a) is satisfied.

(2) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed 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 submit a certification to the administrator that the standards of this subsection as proposed in Article C "Permit Procedures (1) (c) are satisfied.

(3) Mobile Homes

a. No mobile home shall be placed in a floodway, or if applicable, a coastal high hazard area, except in an existing mobile home park or existing mobile home subdivision.

b. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Specific requirements shall be:

(i) Over-the-top ties at each of the four corners of the mobile homes, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;

(ii) Frame ties at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds;

(iv) Any additions to the mobile home be similarly anchored.

c. For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of streets, utilities and pads equal or exceed 50% of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision require:

(i) Stands or lots are 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. A registered professional engineer, architect, or land surveyor shall submit a certification to the administrator that the standard of this paragraph complies with Article D "Specific Standards (1)".

(ii) Adequate surface drainage and access for a hauler are provided; and,

(iii) In the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

(4) Floodways - located within areas of special flood hazard established in Article C "Basis for Establishing the Areas of Special Flood Hazard" are areas designed as floodways. Since the flood velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, 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.

b. If Article D "Specific Standards (4) (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article D.

- c. Prohibit the placement of any mobile homes, except in an existing mobile home park or subdivision.

Standards for Areas of Shallow Flooding (AO Zones):

Located within the areas of special flood hazard established in Article C "Basis for Establishing the Areas of Special Flood Hazard" are areas designed as shallow flooding. These areas have special flood hazards associated with base flood depth of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the community's FIRM.

- (2) All new construction and substantial improvements of nonresidential structures shall:

- (i) Have the lowest floor, including basement elevated above the crown of the nearest street or above the depth number specified on the FIRM or;

- (ii) Together with attendant utility and sanitary facilities be completely floodproofed 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 capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- (3) A registered profession engineer or architect shall submit a certification to the administrator that the standards of this Section, as proposed in Article C "Permit Procedures (1) (a)".

Standards for Subdivision Proposals:

- (1) All subdivision proposals shall be consistent with Article A, Sections 11.2, 11.3 and 11.4 of this ordinance.

- (2) All proposals for the development of subdivisions shall meet Development Permit requirements of Article C "Establishment of Development Permit"; Article C "Permit Procedures" and Article D "Provisions for Flood Hazard Reduction".

- (3) Base flood elevation data shall be provided for subdivision proposals and other proposed develop-

ment which is greater than the lesser of 50 lots or 5 acres, if not otherwise provided pursuant to Article C "Duties and Responsibilities of Local Administrator (7)", and Article C "Basis for Establishing the Areas of Special Flood Hazard" of this ordinance.

(4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

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