

**CITY OF LONSDALE  
RICE COUNTY, MINNESOTA**

**ORDINANCE 2012-253**

**AN ORDINANCE AMENDING LONSDALE CITY CODE TITLE XV: LAND USAGE - CHAPTER 151, FLOODPLAIN MANAGEMENT, UPDATING REGULATION LANGUAGE RECOMMENDED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (DNR) AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) & CREATING A FLOODPLAIN OVERLAY DIST**

**WHEREAS**, the City of Lonsdale (Community ID 270445) is currently listed as a participating community in the National Flood Insurance Program; and

**WHEREAS**, the City of Lonsdale was NOT included (“mapped”) on Flood Insurance Rate Map (FIRM) Community Panel Number 270646 0050 8 – Effective Date February 4, 1981 (31 years old); and

**WHEREAS**, all of Rice County Minnesota, including the City of Lonsdale, was recently “remapped” by FEMA; and

**WHEREAS**, the City of Lonsdale was specifically “mapped” on April 3, 2012 (Effective Date) as FIRM Panel 125 of 450 (Lonsdale No. 270445; Rice Co. No. 270646), MAP Number 27131C0125D; and

**WHEREAS**, the City of Lonsdale wishes to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, the legislature of the State of Minnesota has in Minnesota Statutes Chapter 103(F) and Minnesota Statutes Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses; and

**WHEREAS**, the City of Lonsdale wishes to update its floodplain management regulations as recommended by the DNR and FEMA.

**NOW THEREFORE BE IT ORDAINED**, by the Lonsdale City Council, that:

**Section One:** The City of Lonsdale Official Zoning Map is hereby amended to create and include a “Floodplain Overlay District” for areas prone to flooding according to FIRM MAP Number 27131C0125D – Effective Date April 3, 2012.

**Section Two:** Lonsdale City Code Title XV: Land Usage - Chapter 151, Floodplain Management is hereby deleted and in lieu of the following shall be inserted:

## **Flood Regulations**

### **A. Permit Requirements**

1. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a floodplain building permit for each building or structure from the City of Lonsdale (City).
2. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a floodplain building permit has been obtained from the designated responsible person for each change.
3. No manufactured home shall be placed on improved or unimproved real estate without first obtaining a floodplain building permit for each manufactured home from the designated responsible person.
4. Ordinary minor repairs may be made with the approval of the Zoning Administrator, or his/her designee, without a floodplain building permit, provided that such repairs shall not violate provisions of these regulations or the Building Code.

### **B. Permit Application**

To obtain a floodplain building permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the Zoning Administrator or his/her designee with a fee established by the City Fee Schedule (as amended from time-to-time) before the issuance of a permit will be considered.

### **C. Duties of the Zoning Administrator**

1. The Zoning Administrator, or his/her designee, is appointed as the "person" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.
2. After reviewing the application, the responsible person may require any additional measures which are necessary to meet the minimum requirements of this ordinance.
3. The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

#### **D. Review of Permit Application**

Upon input from the City Engineer, the Zoning Administrator, or his/her designee, shall review all floodplain building permit applications, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

1. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
2. Constructed with materials and utility equipment resistant to flood damage,
3. Constructed by methods and practices that minimize flood damage,
4. 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, and
5. Reviewed by the Building Official/Inspector for compliance with the State Building Code.

#### **E. Review of Subdivision Proposals**

Upon input from the City Engineer, the Zoning Administrator, or his/her designee, shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
3. Adequate drainage is provided to reduce exposure of flood hazard.
4. Subdivision of lands within flood prone areas may not be approved if the cost of providing governmental services would impose an unrealistic economic burden on the City of Lonsdale.

## **F. Water Supply System**

Upon input from the City Engineer and/or Public Works Director, the Zoning Administrator, or his/her designee, shall require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

## **G. Sanitary Sewage and Waste Disposal Systems**

Upon input from the City Engineer and/or Public Works Director, the Zoning Administrator, or his/her designee, shall require within flood prone areas:

1. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and
2. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

## **H. Annexations and Extraterritorial Jurisdiction**

The City of Lonsdale shall not approve any development located in a Special Flood Hazard Area (SFHA) outside the corporate limits unless such development or plat is in the accordance with the following:

1. A floodplain ordinance legally that meets the minimum federal (44 CFR 60.3), state (Minnesota Regulation Parts 6120.5000 through 6120.6200), and local requirements for development within a Special Flood Hazard Area.
2. The SFHA's of those parts of unincorporated Rice County (identified as Rice County Unincorporated Areas 270646 on the FIRM) that are within the extraterritorial jurisdiction of the City of Lonsdale or that may be annexed into the City of Lonsdale are generally identified as such on the Flood Insurance Rate Map (FIRM) No. 27131C0125D (Panel 0125D) dated April 3, 2012 prepared by the Federal Emergency Management Agency (FEMA);

## **I. Definitions**

**"Development"** Any man-made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

**"Flood"** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

**"Floodplain" or "Flood Prone Area"** Any land area susceptible to being inundated by water from any source (see Flood).

**"Floodproofing"** Any combination of structural and non-structural provisions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Manufactured Home"** A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities.

**"New Construction"** means, for the purposes 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.

**"Person"** includes any individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**"Structure"** For floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

**"Substantial Improvement"** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure regardless of the actual work performed. 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 "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

**J. Penalty**

Any person who violates this ordinance shall upon conviction thereof be fined not less than twenty-five dollars (\$25.00) nor more than two-hundred dollars (\$200.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. For any person who has previously violated this ordinance, the second violation shall be treated as a misdemeanor.

**K. Abrogation and Greater Restriction**

1. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction.
2. Where this Ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**L. Separability**

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

**M. Effective Date**

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

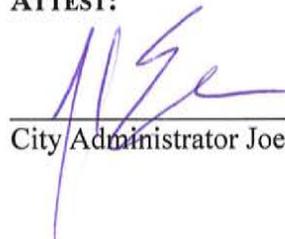
PASSED by the City Council of the City of Lonsdale, Minnesota, this 25<sup>th</sup> day of October, 2012.

**CITY OF LONSDALE**



\_\_\_\_\_  
Mayor Tim Rud

ATTEST:



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City Administrator Joel Erickson

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