

224

**ORDINANCE CLARIFYING REGULATIONS OF CONSTRUCTION  
WITHIN FLOOD PLAIN, FLOODWAY FRINGE, AND FLOODWAY  
WITHIN THE CORPORATE LIMITS OF THE  
CITY OF FLORENCE, MISSISSIPPI**

**WHEREAS**, the Governing Authorities of the City of Florence have, in years past, ordained extensive Flood Damage Prevention regulations in keeping with Federal Emergency Management Agency requirements for its citizens to qualify for flood insurance; and

**WHEREAS**, the City of Florence continues to experience significant problems with flooding in low lying areas from flash floods, endangering the property and safety of its citizens, as well as those passing through the City; and

**WHEREAS**, as the City grows there are increasing demands for permits to build in flood zones and floodway fringe areas, and such development increases the likelihood of flooding; and

**WHEREAS**, the practice of in-filling in the floodplain in order to have lands re-classified poses an increased specific danger to the risk of flooding;

**NOW THEREFORE BE IT ORDAINED**, by the Governing Authorities of the City of Florence, Mississippi, as follows:

1. Every application for development permit, preliminary subdivision plat, or building permit of property within the City that is located in the floodway, floodway fringe, or flood plain, according to the Flood Boundary and Floodway Map (FBFM), as delineated by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA), (which therefore specifically **includes, but not limited to**, applicants having a letter with map revision or a conditional letter with map revision, or the

equivalent thereof, must comply herewith). Compliance requires that before any dirt is moved, an "Application for Flood Plain Development Permit" must be submitted and approved by the City.

2.. Every "Application for Flood Plain Development Permit", in addition to all other requirements, must be accompanied by a "No-Rise Certificate" from a licensed professional engineer within the State of Mississippi, certifying to the impact the project will have on floodwaters. It is recognized that the following levels may be revealed on the Certificate:

- a) a level deemed minimum or insignificant in impact (*de minimus*), in which case a permit can be issued.
- b) a level deemed significant, but low impact, in which case the Public Works Director may issue the permit so long as he has the concurrence of the City Engineer and Governing Authorities.
- c) a level deemed significant, and with an impact not deemed to be low, in which case, no permit will be issued.

3. Factors the Building Inspector can consider include:

- a) Likelihood of similar future development, combined effect of which could increase chance of flooding to existing lands and improvements;
- b) Location of area to be in-filled by virtue of the improvement evidenced in the permit application.

- c) Where plans provide for any excavation or movement of earthen materials, the extend to which the area is subject to draining.
- 4. The current "Application for Flood Plain Development Permit" is hereby amended to include this requirement, a copy of which is attached hereto as "Exhibit A".
- 5. The initial "Application for Flood Plain Development Permit" requires an initial fee of \$196.00, due to the costs incurred by the City for engineering and legal fees. If additional reviews are required, a standard rate of \$98.00 per hour with a one-hour minimum shall be charged for all additional time required.


The City Clerk is instructed to publish this Ordinance one time in the Rankin County News. This Ordinance is to become effective after publication and thirty-one (31) days from the date hereof.

The motion to adopt the foregoing Ordinance having been made by Alderperson Pam Clark and seconded by Alderperson Bobbie Moudy, and the Ordinance having been considered and put to a roll call vote, the results being as follows:

Alderwoman Pam Clark voted	<u>Aye</u> .
Alderman Bobby Keyes voted	<u>Aye</u> .
Alderwoman Velma Lusk voted	<u>ABSENT.</u>
Alderman Bobbie Moudy voted	<u>Aye</u> .
Alderman Richard Norton voted	<u>Aye</u> .

The motion having received the affirmative vote of a majority of members of the Board

present, the Mayor therefore declared the motion so carried and the Ordinance ordained this  
the 20<sup>th</sup> day of July 2004.

  
\_\_\_\_\_  
EDDIE JONES  
MAYOR  
CITY OF FLORENCE, MISSISSIPPI

ATTESTED BY:

  
\_\_\_\_\_  
LINDA WIGLEY  
CITY CLERK  
CITY OF FLORENCE, MISSISSIPPI

PREPARED BY:  
RINGER & SIMMONS,  
ATTORNEYS AT LAW  
DAVID RINGER, MSB # 5364  
MUNICIPAL ATTORNEY  
125 EAST MAIN STREET  
POST OFFICE BOX 737  
FLORENCE, MISSISSIPPI 39073  
(601)845-7349/(601)845-6799  
f:\rfsvr\wpwin60\client\city\ordinance\flnorise