

CHAPTER 36
FLOOD DAMAGE PREVENTION CODE

Section 36-1. Adoption of Code. There is hereby adopted by reference a Flood Damage Prevention Code for Searcy, White County, Arkansas. The code shall include:

- Definitions
- Administration
- Provisions for Flood Hazard Reduction

Three (3) copies of the referenced code shall be filed in the office of the Searcy City Clerk-Treasurer and shall be available for inspection and copying by any person during normal office hours.

Section 36-2. Abrogation and Greater Restrictions. This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

Section 36-3. Interpretation. In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes.

Section 36-4. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas (SFHA) will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

Section 36-5. Penalty for Non-compliance. Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

The floodplain administrator must enforce the provisions of this ordinance and is authorized to:

- A. Issue cease and desist orders on non-compliant floodplain development projects;
- B. Issue citations for non-compliance;
- C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

36-5-1. Misdemeanor. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.

36-5-2. Fine; Penalty. Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.

(Ord. No. 2012-14,§1 3-13-2012; Ord. No. 2012-16,§1 4-10-2012)

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