

On motion by Council Member Utley, and seconded by Council Member Valence, the following ordinance was introduced:

**ORDINANCE 1625**

An Ordinance of the Westwego City Council Amending Chapter 10 - Building and Construction Regulations, Article II - Special Building Regulations, Division 2 - Flood Damage Prevention, Sec. 10-72 through Sec. 10-79.

WHEREAS, there is a general concern for the welfare and safety of the citizens of the City of Westwego; and

WHEREAS, there is a need to amend Chapter 10 - Building and Construction Regulations, Article II - Special Building Regulations, Division 2 - Flood Damage Prevention, Sec. 10-72 through Sec. 10-79 in order to comply with current FEMA regulations.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of Westwego, Louisiana, acting as governing authority of said City, that Chapter 10 - Building and Construction Regulations, Article II - Special Building Regulations, Division 2 - Flood Damage Prevention, Sec. 10-72 through Sec. 10-79, is hereby amended and reenacted to read as follows:

CHAPTER 10 - BUILDING AND CONSTRUCTION REGULATIONS  
ARTICLE II - SPECIAL BUILDING REGULATIONS  
DIVISION 2. FLOOD DAMAGE PREVENTION

Sec. 10-72. Introductory Provisions

Sec. 10-72.1. Statutory Authorization

The Legislature of the State of Louisiana has in statute LRS 38:84 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Mayor and - +Council Members of City of Westwego, Louisiana, does ordain as follows:

Sec. 10-72.2. Findings of Fact

- (1) The flood hazard areas of City of Westwego are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental service, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains 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, floodproofed or otherwise protected from flood damage.

Sec. 10-72.3. Statement of Purpose

It is the purpose of this Flood Damage Prevention 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 development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

#### Sec. 10-72.4. Methods of Reducing Flood Losses

In order to accomplish its purposes, this Flood Damage Prevention 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 floodwaters, or which may increase flood hazards in other lands.

#### Sec. 10-73. Definitions.

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

Adverse impact means causing increased flood stages, increased flood velocity, or increased flows in or near a special or local flood hazard area, to an extent including to but not limited to an increase in base flood elevation equal or greater than foot on upstream, downstream, or adjacent properties.

Anchored means adequately secured to prevent flotation, collapse, or lateral movement.

Appeal means a request for a review of the floodplain administrator's determination or action pursuant to, or interpretation of, any provision of this division.

Applicant means any person who submits an application for a permit pursuant to this division.

Appurtenant/accessory structure means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one percent (1%) annual chance (100 year) flood based on future conditions hydrology.

Base flood mean the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, VI-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent (1%) chance of equaling or exceeding that level in any given year – also called Base Flood.

Basement means an area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall 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.

Building means a structure with two or more outside rigid walls and fully secured roof, that is affixed to a permanent site; or a manufactured home built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation. Note—Building does not mean a gas or liquid storage tank or a recreational vehicle, a park trailer, or other similar vehicle, except as described above.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Community rating system (CRS) means a program developed by FEMA to provide incentives for those communities in the regular program that has gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Crawlspace means an under-floor space that has its interior floor area (finished or not) no more than five feet below the top of the next-higher floor. Crawlspace generally have solid foundation walls. See diagram 8 in the elevation certificate instructions.

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 to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure or enclosed area means an area below the base flood elevation that is either partially or fully shut with rigid walls.

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.

~~Flood, flooding, or floodwater means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source.~~

Flood, flooding, or floodwater means

(a) 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.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood boundary and floodway map means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map means the official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood insurance rate map (FIRM) means the official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) see Flood Elevation Study

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Floodplain administrator means the building inspector and code enforcement officer or his/her designee.

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 flood plain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion ordinance) and other applications of police power. The terms 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 real property, water and sanitary facilities, structures, and their contents.

Freeboard means an additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest flood must be elevated or flood-proofed to be in accordance with state or community floodplain management regulations.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located 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.

Garage means a building on the same lot as a dwelling or a portion of a main building for the housing of noncommercial vehicles of the occupants of the dwelling. A garage has an opening ten feet or more in width.

- (1) An attached garage is constructed horizontally adjacent to a house or underneath a house.
- (2) A detached garage is not structurally connected to a house.

Grading means the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed perimeter of a building.

Historic building means a pre-FIRM building or structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) 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; or
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of map amendment (LOMA) means an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area (SFHA). A LOMA is issued only by FEMA.

Levee means a man-made structure or earthen embankment, which contains, controls, or diverts the flow of water to provide protection from 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 adjacent grade means the lowest elevation of the ground surface after construction next to the perimeter of a building.

Lowest floor ~~elevation~~ means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered ~~the a building's~~ lowest floor, provided that such enclosure is not built so as to render the ~~building structure~~ in violation of the applicable non-elevation design requirement of ~~this division of Section 60.3 of the National Flood Insurance Program regulations.~~

Manufactured home means a building, 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 attached to the required utilities. The term "manufactured home" may include a mobile home that does not constitute a "recreational vehicle."

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.

- (1) Existing manufactured home park or subdivision. 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 was completed pre-FIRM.
- (2) Expansion to an existing manufactured home park or subdivision. 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.
- (3) New manufactured home park or subdivision. 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 ~~issuance of the first FIRM~~ effective date of the floodplain management regulations adopted by a community.

Market value means the price that the seller is willing to accept, and the buyer is to pay on the open market and in an arm's length transaction.

~~New construction means any construction of a new structure commencing on or after the date of the ordinance from which this division is derived.~~

New construction 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.

Non-residential building means a commercial or mixed-use building where the use is commercial or non-habitational.

North American vertical datum (NAVD) of 1988 means the vertical control datum established for vertical control surveying in the United States of America based upon the general adjustment of the North American datum of 1988. It replaced the NGVD in 1929.

Out-as-shown determination means an alternative outcome of the FEMA LOMA review process stating that a specific property is located outside the SFHA on the FIRM.

Post-firm building means a building for which construction or substantial improvement occurred on or after July 9, 1976.

Pre-firm building means a building for which construction or substantial improvement occurred before July 9, 1976.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Self-propelled or permanently towable by a light-duty truck; and
- (4) ~~Used for temporary living quarters (less than 180 consecutive days); or for recreation, camping, travel, or seasonal use.~~

Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

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.

Repetitive loss structure means a structure that has sustained flood-related damages resulting in two or more claim payments of more than \$1,000.00 each from the National Flood Insurance Program (NFIP) within any rolling ten-year period for a home or business.

Residential building means a non-commercial building, or portion thereof, designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, two-to-four-family, or other residential building not including trailers, hotels, motels, and motor lodges.

Severe repetitive loss structure means a building that is covered under an NFIP flood insurance policy, having two of the referenced claims within any ten-year period but greater than ten days apart, and either:

- (1) Has at least four NFIP claim payments (including building and contents) over \$5,000.00 each, and the cumulative amount of such claims payments exceeds \$20,000.00; or
- (2) For which at least two separate claims payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the fair market value of the building.

~~Special flood hazard area (SFHA) means an area shown in the FEMA flood insurance study and FIRM as zone AE or VE.~~

Special flood hazard area (SFHA) is the land in the floodplain within a community subject to a one percent (1%) 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 rate-making has been completed in preparation of the FIRM, 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, V1-30, VE or V.

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, rehabilitation, addition 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. 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.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank ~~(not including water tanks smaller than 5,000 gallons) that is principally above ground, a manufactured home that is affixed to a permanent site or foundation and a travel trailer without wheels as well as a manufactured home.~~ For floodplain management purposes, a utility box is not a structure unless it is large enough to allow human walk-in access.

**Additions are underlined. Deletions are struck through.**

Substantial damage means damage of any origin sustained by a building structure whereby the cost of restoring the building structure to ~~the it's~~ before damaged condition would equal or exceed 50 percent of the market value of the building structure before the damage occurred.

Substantial improvements means any reconstruction, rehabilitation, addition, or alteration of a building, or any part thereof, the cumulative cost of which equals or exceeds 50 percent of the market value of the building prior to start of construction. Start of construction is the point at which a building permit for the improvements is issued. The term does not include either:

- (1) Any project for improvement of a building to correct existing violations or 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 to assure safe living conditions, or
- (2) Any alteration of a "historic building" provided that the alteration would not preclude the building's continued designation as a "historic building."

Surge means the mass of water causing an increase in elevation of water surface at the time of a hurricane or storm.

Vertical datum means the National Geodetic Survey Vertical Datum North American Vertical Datum 1988 (NAVD88) used parish wide for floodplain mapping.

(Note: NAVD88 replaces the previous parish vertical datum NGVD29. All flood insurance rate maps preceding March 23, 1995, are in NGVD29.)

Variance means a grant of relief ~~from the requirements of this division which allows development in a manner that would otherwise be prohibited by this division~~ by a community from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with ~~this division the community's floodplain management regulations.~~ A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in this division is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to ~~currently adopted~~ the National Geodetic Vertical Datum (NGVD) of 1992, (or other datum, where specified) of floods of various magnitudes and frequencies in floodplain of coastal or riverine areas.

Watercourse means ~~a river, stream, creek, tributary, basin, lake, pond, waterway, or channel, natural or man-made having a defined bed and banks on or over which water flows at least periodically. the channel of a river, stream or drainage way and not the adjacent overbank areas.~~ Watercourses include not only rivers or streams that are the source of flooding used to determine the base flood and the floodplain boundaries, but also smaller streams.

Zone AE means a special flood hazard area as shown in the FEMA flood insurance study and depicted on the FIRM with an assigned base flood elevation.

Zone VE means a special flood hazard area as shown in the FEMA flood insurance study and depicted on the FIRM with an assigned base flood elevation.

Zone X, X-protected by levee, and 0.2% chance means a local flood hazard area as shown in the FEMA flood insurance study and depicted on the FIRM.

Sec. 10-74. General provisions.

Sec. 10-74.1. Lands to which this division applies.

~~This division shall apply to all special flood hazard areas (SFHAs) and local flood hazards within the jurisdiction of the city.~~

This Flood Damage Prevention Ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Westwego.

Sec. 10-74.2. Basis for establishing the areas of special flood hazard.

~~The special flood hazard areas represented as zone AE and zone VE identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the most recent effective flood insurance study (FIS) dated February 2, 2018, for the city and accompanying flood insurance rate maps and their subsequent amendments and/or revisions, are hereby adopted by reference and declared a part of this division. FIS and FIRM are the minimum area of applicability of this division. Current and historic maps are on file with the department of inspection and code enforcement.~~

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for the City of Westwego, Jefferson Parish, dated February 15, 2016, with accompanying Flood Insurance Rate Maps (FIRM) dated February 2, 2018, and any revisions thereto are hereby adopted by reference and declared to be part of this ordinance.

Sec. 10-74.3. Basis for establishing the areas of local flood hazard.

The areas of local flood hazard are represented by zones X, X-protected by levee, and 0.2% chance of flooding by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the most recent effective flood insurance study (FIS) dated February 2, 2018, for the city and accompanying flood insurance rate maps and their subsequent amendments and/or revisions.

Sec. 10-74.4. Compliance.

No structure or land shall hereafter be filled, graded, developed, constructed, reconstructed, rehabilitated, or altered without complying with the terms of this division and 44 CFR Part 60.

Sec. 10-74.5. Abrogation and greater restrictions.

This Flood Damage Prevention Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or ordinances. Where these ordinances and other ordinances, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 10-74.6. Interpretation.

In the interpretation and application of this Flood Damage Prevention Ordinance, all provisions shall be considered as minimum requirements and shall be liberally construed in favor of the parish and shall not be deemed neither to limit or repeal any other powers granted by state statutes.

Sec. 10-74.7. Warning and disclaimer or liability.

The degree of flood protection required by this Flood Damage Prevention 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 Flood Damage Prevention Ordinance does not imply that land outside of areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Flood Damage Prevention Ordinance shall not create liability on the part of the city or any official or employee thereof, for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

Sec. 10-75. Floodplain Administrators.

Sec. 10-75.1. Designation of the floodplain administrator.

The director of the department of inspection and code enforcement or designee is authorized to administer and implement this ordinance and to enforce such rules or regulations consistent with and necessary to implement the purposes, intent, and express terms of this division.



Sec. 10-75.2. Responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:

Director of the department of inspection and code enforcement or designee shall ensure that permits issued:

- (a) Review and use of any other base flood data. When base flood elevation data has not been provided the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, other flooding studies, measured high water elevations from historic flooding events, local topography, or other available information in order to administer this division and establish base flood elevations. Any base flood elevation established by the floodplain administrator shall not be lower than the base flood elevation established in the FIS for the same location.
- (b) Notification of other agencies. In alteration or relocation of a watercourse:
  - i. Notify affected communities prior to alteration or relocation;
  - ii. Submit evidence of such notification to the Federal Insurance Administration of the Federal Emergency Management Agency; and
  - iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (c) Map determinations. Make interpretations as to the location of the boundaries of the areas of special flood hazard where there is conflict between a mapped boundary and actual field conditions.
- (d) Map changes. Notify FEMA of changes to the floodplain.
- (e) Community rating system. Prepare, obtain, and maintain all documentation necessary for the annual certification of the community rating system program review and designated renewal period to complete certification of the program.
- (f) Comply with general standards. Any new or substantial damage/improvement structure within zones AE and VE (SFHAs) complies with the general standards of this division.
- (g) Comply with elevation standards.
  - i. The elevation of any new or substantial damage/improvement structure within zones AE and VE (SFHAs) complies with the elevation standards of this division; and
  - ii. The elevation of new structures within zone X (local flood hazard) complies with the elevation standards of this division.
- (h) Review elevation certificate.
  - i. Upon application for a building permit, a notation of the required first floor elevation shall be made on the face of building permits.
  - ii. Prior to the issuance of a completion certificate a final elevation certificate shall prove the structure meets the elevation standards of this division.

Sec. 10-76. Floodplain management permits.

Sec. 10-76.1. Securing a permit.

- (a) In the city, it shall be unlawful to proceed with any new development, construction, substantial improvement, to include "repetitive loss" and "substantial damaged structures," or manufactured homes, without having obtained a permit properly numbered and approved from the director of the department of inspection and code enforcement.
- (b) It shall be the duty of the department of inspection and code enforcement to see that such work requiring a permit is authorized. All work must comply with the building code, as well as this division, and shall be subject to inspection whether a permit is required or not and is subject to citation at the discretion of the director.

- (c) All necessary permits must be received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Pollution Control Act Amendments of 1973, 33 U.S.C. 1334.

Sec. 10-76.2. Permit application.

Application for a floodplain development building permit shall be presented to the department of inspection and code enforcement on forms furnished by the department and may include, but not be limited to:

- (1) Plans drawn to scale showing the nature, location, dimensions; and
- (2) Proposed elevation in NAVD 88 to which any non-residential structure will be flood proofed. A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood proofing criteria of this division;
- (3) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
- (4) Maintain a record of all such information in accordance with this division.

Sec. 10-76.3. Permit review.

Approval or denial of a floodplain development building permit by the department of inspection and code enforcement shall be based on all of the provisions of this division and may consider the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage; and
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and
- (3) The danger that materials may be swept onto other lands to the injury of others; and
- (4) The compatibility of the proposed use with existing and anticipated development; and
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles; and
- (6) 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; and
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (8) The necessity to the facility of a waterfront location, where applicable; and
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 10-77. Standards of construction.

Sec. 10-77.1. General standards.

In all areas of special flood hazards, the following provisions for permits are required for all new construction and substantial damage/improvement to ensure sites are reasonably safe from flooding:

- (1) Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the building resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. All manufactured homes shall also meet the standards of section 14-06.05.
- (2) Construction materials and methods. All new construction and substantial damage/improvement shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

- (3) Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored to prevent flotation, collapse and lateral movement resulting from floodwater loads, including the effects of buoyancy, hydrostatic pressure, and velocity. Tank inlets, fill openings, outlets, and vents shall be installed one foot above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater and outflow of the contents of the tank during the base flood.
- (4) Foundations. Foundations and walls constructed below the base flood elevation shall be vented to equalize hydrostatic pressures.
- (5) Vents. Vent openings shall be permanent openings in the walls that allow for the free passage of water automatically in both directions without human intervention. Such venting shall be on at least two sides of the structure, or enclosure, have a bottom at no more than one foot above the ground elevation. The total area of such venting shall be at least one square inch per square foot of enclosed footprint. Openings may be equipped with screens, louvers, or automated float control in accordance with FEMA Technical Bulletin TB #1-08. Foundations and walls below the base flood elevation shall be constructed of flood resistant materials in accordance with FEMA Technical Bulletin TB #2-08. Alternatively, the project proponent may submit a design that will allow for automatic equalization of hydrostatic flood forces on exterior walls, signed and stamped by a registered civil engineer and approved by the floodplain administrator. A window, a door, or a garage door is not considered a vent opening. If there are multiple enclosed areas within the foundation, each area must be vented as described herewith.

#### Sec. 10-77.2. Elevation standards.

In all areas of special flood hazards (zone AE and VE) and areas of local flood hazard (zone X, X-protected by levee, and 0.2% annual chance), the following higher regulatory provisions for permits are required for all new construction and substantial damage/improvement (as further denied below) to ensure sites are reasonably safe from flooding. In all instances of higher regulatory standards written below the term lowest floor includes basement, mechanical and utility equipment, and ductwork. A registered professional engineer, architect, or land surveyor shall submit a certification to the department of inspection and code enforcement that the standard of this division is satisfied.

##### Sec. 10-77.2.1 Residential elevation—New construction.

Permits issued for new construction of any residential structure must have the required NAVD 88 elevation of the lowest floor or lowest horizontal portion of the structural member and the base flood elevation noted on the permit.

- (1) In zone X, X-protected by levee, and 0.2% annual chance the lowest floor shall be at 18 inches above the centerline of the street.
- (2) In zone AE the lowest floor shall be at the highest of either:
  - a. The BFE on the FIRM plus one (1) foot of Freeboard; or
  - b. Eighteen inches above the centerline of the street.

##### Sec. 10-77.2.2. Residential elevation—Substantial damage/improvement.

Permits issued for substantial damage/improvement of any residential structure must have the required NAVD 88 elevation of the lowest floor (including basement) and the base flood elevation noted on the permit.

- (1) In zone AE the lowest floor shall be at the BFE on the FIRM plus one (1) foot of Freeboard.

##### Sec. 10-77.2.3. Non-residential elevation and/or floodproofing—New construction.

Permits issued for new construction of any non-residential structure including accessory structure greater than 1,000 square feet, must have the required NAVD 88 elevation of the lowest floor and the base flood elevation noted on the permit. In lieu of meeting the elevation requirement stated below, non-residential structures in zone X and zone AE may be flood-proofed so that structural components are capable of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy and be certified by a registered professional engineer or architect that the standards of this section are satisfied.

- (1) In zone X, X-protected by levee, and 0.2% annual chance the lowest floor shall be elevated or flood-proofed to be at 18 inches above the centerline of the street.

**Additions are underlined. Deletions are struck through.**

- (2) In zone AE the lowest finished floor shall be elevated or dry-floodproofed to the highest of either:
  - a. The BFE on the FIRM; or
  - b. Eighteen inches above the centerline of the street.

Sec. 10-77.2.4. Non-residential elevation and/or floodproofing—Substantial damage/improvement.

Permits issued for substantial damage/improvement of any non-residential structure including accessory structure greater than 1,000 square feet, must have the required NAVD 88 elevation of the lowest floor and the base flood elevation noted on the permit. In lieu of meeting the elevation requirement stated below, non-residential structures in zone AE may be flood-proofed so that structural components are capable of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy and be certified by a registered professional engineer or architect that the standards of this section are satisfied.

- (1) In zone AE the lowest finished floor shall be at BFE on the FIRM.

Sec. 10-77.3. Enclosure standards.

New construction and substantial damage/improvement, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which 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:

- (1) A minimum of two openings on separate walls 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; and
- (2) The bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Sec. 10-77.4. Standards for subdivision proposals.

All subdivision development proposals including the placement of manufactured home parks and subdivisions shall:

- (1) Be consistent with this division; and
- (2) Meet floodplain development permit requirements of this division; and
- (3) Generate base flood elevation data for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to this division; and
- (4) Have adequate drainage provided to reduce exposure to flood hazards; and
- (5) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and
- (6) Detain stormwater runoff as follows:
  - a. For all proposed developments, other than single-family residential, totaling 10,000 square feet or more (all phases), and all single-family residential developments totaling five acres or more (all phases), the ten-year storm event post-development rate of run-off shall not exceed the ten-year storm event pre-development rate of run-off. To ensure that the post-development rate of run-off does not exceed the pre-development rate of run-off, on-site detention will be required in a manner approved by the department of public works. The detention system cannot release water from the site at a rate greater than the pre-development rate of run-off; and
  - b. The design concepts for detention facilities and determination of storm run-off shall be consistent with sound hydrological and hydraulic engineering principles and practices, and the provisions of the Jefferson Parish "Storm Drainage Design Manual" dated 1981, or any subsequent revision thereof, and "Parking Lot Storm Run-Off Detention Manual" prepared

by the engineering division of the parish department of public works. The director of public works shall approve any and all modifications to the drainage manuals; and

- c. The developer shall submit drainage design calculations including a drainage map along with engineering plans to the department of public works for approval by the director of the department of engineering and the director of the department of capital projects. The drainage map shall include a lien diagram reflecting the existing drainage system from the outfall end of the proposed development to the receiving outfall canal, reflected in the applicable current master drainage plan. The developer shall also submit calculations showing the impacts to the detention facility from a one-hundred-year storm event; and
- d. Drainage calculations shall consider all relevant information that would affect the hydraulics of the drainage system including, but not limited to, the following: (1) drainage basin characteristics; (2) system hydraulics; and (3) other external influences upstream and downstream from the drainage system that may impact or be impacted by the proposed system. Drainage calculations shall consist of: (1) ten-year pre-development flow; (2) ten-year post-development flow; (3) description of release facility and volume of release versus depth of storage in detention facility for ten-year and 100-year storm events; (4) maximum depth of water in the detention facility for design storms; (5) description of impact to the proposed facility resulting from increased depth of storage; and (6) the description of how the system will be maintained; and
- e. Unless unstable or highly erosive soil conditions indicate a lower design velocity is desirable, or unless ditch paving at the outlet is provided, the maximum velocity for culvert design shall adhere to the criteria in the parish "Storm Drainage Design Manual" dated 1981, or any subsequent revision thereto; and
- f. The director of the department of public works shall review for approval each proposed development covered by this section prior to the issuance of permits to proceed with said development. Any decision in which the director of public works denies a request, or which requires a variance shall be submitted to the board of standards and appeals for review and recommendation. Decisions of the board of standards and appeals recommending approval of a variance shall be submitted for final approval by the parish council; and
- g. Any denial of a variance request by the board of standards and appeals may be appealed to the parish council for final resolution.

Sec. 10-77.5. Standards for manufactured homes.

Require that all new or substantial damage/improvement manufactured homes within the special flood hazard area outside of a manufactured home park or subdivision, in a new or existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, shall be installed using methods and practices which minimize flood damage and shall:

- (1) Be 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 including but not limited to:
  - a. Over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side;
  - b. Frame ties at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side;
  - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
  - d. Any additions to the manufactured home are similarly anchored.

- (2) Be elevated on a permanent foundation of compacted fill or pilings such that the lowest floor of the manufactured home is elevated at or above the elevation standards of this division.
  - a. If pilings are used for elevation:
    - i. Lots shall be large enough to permit steps; and
    - ii. Piling foundations shall be placed in stable soil no more than ten feet apart; and
    - iii. Reinforcement shall be provided for pilings more than six feet above the ground level; and
- (3) Adequate access and drainage shall be provided and access for a hauler are provided; and
- (4) Upon the completion of an installation the elevation of the lowest floor shall be certified by a registered professional engineer or surveyor, and verified by the community building-inspector to be properly elevated; and
- (5) No new manufactured home shall be placed in a coastal high hazard area, except in an existing manufactured home park or subdivision.

Sec. 10-77.6. Standards for recreational vehicles.

All new recreational vehicle parks or additions to parks in a special flood hazard area shall clearly post the hazard and methods of flood warning. All recreational vehicles placed on sites within special flood hazard areas shall:

- (1) Be on wheels, mobile, fully licensed, attached to the site only by quick disconnect type utilities and security devices; and
- (2) Be on the site few than 180 consecutive days; and
- (3) Have no attached additions on adjoining foundation; or
- (4) Meet the anchoring and elevation requirements for manufactured homes of this division.
- (5) Meet the permit requirements of Sec 10-76.2

Sec. 10-77.7. Certification requirements.

When development occurs on property that has been identified by the floodplain administrator as being located in a special flood hazard area or local flood hazard area, the following shall be certified by a registered civil engineer or licensed land surveyor and provided to the department of inspection and code enforcement:

- (1) Flood zone; and
- (2) Base flood elevation; and
- (3) Elevation of the lowest floor of all detached buildings; and
- (4) Elevation of the lowest adjacent grade; and
- (5) Elevation of the highest adjacent grade; and
- (6) Elevation of the centerline of the street; and
- (7) Elevation to which a structure has been flood-proofed (if applicable); and
- (8) Elevation of swimming pools, utilities, and any other structures, as requested by the floodplain administrator; and
- (9) Calculation of vent space for crawlspaces.

Sec. 10-78. Administration.

Sec. 10-78.1. Variances.

The board of standards and appeals, as established by the community, shall hear, and render judgment on requests for variances from the requirements of this division.

- (1) Any applicant for a permit from the department of inspection and code enforcement required by this division whose application has been refused or revoked, or any person who has been ordered by the director in incurring any expense, or any person who feels that there are practical difficulties or unnecessary hardships involved in carrying out the strict letter of this division, or where it is alleged that there is an error in any order, requirement, decision, or any determination made by the director may, within 15 days after being notified of such refusal or order, appeal from the decision of the director to the board of standards and appeals by giving the director notice in writing that he does so appeal. Said notice shall be accompanied by a check in the amount indicated in building code amendments of the city, "Schedule of Appeal Fees" payable to the city, which amounts is to be retained by the city.
- (2) It shall be the duty of the board of standards and appeals to:
  - a. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the director in the enforcement of this division; and
  - b. Hear and decide all matters referred to it or upon which it is required to pass under this division; and
  - c. Pass upon appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this division, to vary or modify the application of any of the regulations or provisions of this division relating to the construction or alteration of buildings or structures so that the spirit of this division shall be observed, public safety and welfare secured, and substantial justice done; and
  - d. Interpret the intent or meaning of this division and so advise the director and to recommend to the council such amendments or revisions which may be required to clarify the wording as well as recommend amendments or revisions as may be required from time to time to meet the changing condition.
- (3) Variances may be issued:
  - a. In cases generally limited to 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 elevation, in conformance with:
    - i. A showing of good and sufficient cause; and
    - ii. A determination that failure to grant the variance would result in:
      - a) Increased flood heights; or
      - b) Additional threats to public safety; or
      - c) Extraordinary public expense; or
      - d) Create nuisances; or
      - e) Cause fraud on or victimization of the public; or
      - f) Conflict with existing local laws or ordinances.
  - b. Only upon a determination that the variance is the minimum necessary, considering the flood hazard to affect relief and for other development necessary for the conduct of a functionally dependent use; and
  - c. In situations which could result in an undue delay in construction when all of the above conditions have been met and the requested variance will not increase the cost of the flood insurance, the board may grant a variance.

- (4) In order to execute the above-mentioned powers, the board of standards and appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination of the director, or to decide in favor of the applicant on any matters on which it is required to pass under this division.
- (5) Decisions of the board of standards and appeals should state the variances or denials granted and conditions, if any, as they may require in such action. The decisions shall be filed in the department of inspection and code enforcement within ten working days after the hearing and a certified copy sent to the applicant by certified mail. The director must abide by the actions taken by the board.
- (6) In those instances where a variance is granted, the appellate shall be given a written notice that a structure built with the lowest floor elevation below the BFE will then have the cost of flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation.

Sec. 10-78.2. Appeals.

If the applicant for a permit, the permittee, or other persons whose property rights may be affected, is dissatisfied with any determination made by the floodplain administrator or board of standards and appeals such person may appeal to the city council. Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the clerk of the parish council. If it is deemed that the proposed variance may negatively affect the parish's standing in the National Flood Insurance Program, adequate public notice and public hearing shall be required before the parish council may act on the proposal.

Sec. 10-78.3. Recording of a variance affidavit.

Any applicant whose variance from the base flood elevation is approved by the board of standards and appeals or the parish council shall record in the conveyance records of the clerk of court of the parish an affidavit indicating that the applicant's property does not meet the required base flood elevation of the parish. Verification of the applicant's recorded affidavit shall be presented to the department of inspection and code enforcement prior to the issuance of a use and occupancy certificate.

Sec. 10-78.4. Penalties for non-compliance.

Under the authority of the Building Code of the city, the director of the department of inspection and code enforcement is authorized to enforce the provisions of the current adopted technical codes. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this division and other applicable regulations. The owner or general agent of the building or premises where a violation of any regulation pertinent to the special flood hazard areas has been committed or exists, or the general agent, architect, building contractor, or any other person who assists in any violation of the pertinent flood regulations or who maintains any building or premises in which the violation exists shall be punished as provided in chapter 1, section 1-10, "Penalty: maximum: continuing violations" of this Code.

Sec. 10-78.5. Adjoining communities.

- (1) Consideration of overall flood management in the metropolitan New Orleans area shall be given to individual floodplain management programs in:
  - a. The incorporated city of Gretna; and
  - b. The parishes of Jefferson and St. Charles.
- (2) In riverine situations, adjacent communities and the state coordinating office will be notified prior to any alteration or relocation of a watercourse, and copies of such notification will be submitted to FIA. The flood-carrying capacity of altered or relocated portions of any watercourse will be maintained.

Sec. 10-78.6. Priority of flood-prone area regulations.

All regulations described in this division represent minimum standards and supersede all existing ordinances which require lower standards.



Secs. 10-79—10-107. Reserved.

Secs. 10-108. Severability

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Any other provisions of the Westwego City Code that are in conflict with the above are hereby repealed.

After a public hearing was heard on the above Ordinance, the title having been read and the Ordinance considered, on motion by Council Member Utley, and seconded by, Council Member Valence, to adopt the Ordinance, a record vote was taken, and the following result was had:

Yeas: Campbell, Nobles, Valence, Utle

Nays: None

Absent: Bonvillian

Abstained: None

WHEREUPON, the presiding officer declared the above ordinance duly adopted today, Monday, August 14, 2023.

\_\_\_\_\_  
Robert E. Billiot, Sr., Mayor

\_\_\_\_\_  
Lisa Tapia, City Clerk

I certify that I presented this ordinance to the Mayor on August 15, 2023.

\_\_\_\_\_  
Lisa Tapia, City Clerk

I acknowledge receipt of this Ordinance from the City Clerk on August 15, 2023.

\_\_\_\_\_  
Robert E. Billiot, Sr., Mayor

I hereby approve this ordinance today, August 15, 2023.

\_\_\_\_\_  
Robert E. Billiot, Sr., Mayor

I certify that I received this ordinance from the Mayor on August 15, 2023.

\_\_\_\_\_  
Lisa Tapia, City Clerk