ORDINANCE NO. 0804-08


BE IT ORDAINED BY LINCOLN COUNTY, SOUTH DAKOTA:

Section 1. That § 2 (DEFINITIONS) be amended by adding thereto six (6) NEW DEFINITIONS to read as follows:

“Community Flood Hazard Area (CFHA)” means an area regulated by the community which is outside of the SFHA where typical damage from sub-surface flood conditions and flooding events that exceed the base flood elevation are anticipated and reasonably preventable by compliance with specific design requirements.

“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 area” and the extent of the depths of associated flooding.

“Floodplain or Flood-Prone Area” means any land area susceptible to being inundated by water from any source (see definition of flooding).

“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.

“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.

Section 2. That subsection 3.2 (BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD) be amended to read as follows:

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 Lincoln County, South Dakota and Incorporated Areas” dated April 2, 2008, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and
declared to be a part of this ordinance. The FIRM panel numbers are 125, 127, 129, 133, 134, 137, 141, 142, 150, 152, 153, 154, 156, 157, 158, 159, 161, 162, 166, 167, 175, 176, 177, 178, 200, 225, 250, 275, 286, 287, 291, 300, 325, 350, 375, 400, 414, 425, 450, 475, 500, 525, 527, 550. The Flood Insurance Study and FIRM are on file at the Lincoln County Courthouse, 104 N Main St. Canton South Dakota 57013 (Map Repository).

Section 3. That subsection 4.2 (DESIGNATION OF THE LINCOLN COUNTY PLANNING AND ZONING DIRECTOR AS LOCAL ADMINISTRATOR) be amended to read as follows:

**DESIGNATION OF THE LINCOLN COUNTY GEOGRAPHIC INFORMATION SERVICES (GIS) COORDINATOR AS LOCAL ADMINISTRATOR**

The County GIS Coordinator is hereby appointed to administer and implement this ordinance.

Section 4. That subsection 5.2-1 (Residential Construction) be amended to read as follows:

**Residential Construction** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one foot above the base flood elevation. Properties that have received a Letter of Map Amendment or Letter of Map Revision based upon fill must still have their lowest structure opening elevated to one foot above the base flood elevation and comply with TB 10-01 guidelines.

Section 5. That § 5.0 (PROVISIONS FOR FLOOD HAZARD REDUCTION) be amended by adding thereto a NEW SUBSECTION to read as follows:

**5.3 FLOODWAYS**

Located within areas of special flood hazard established in Section 3.2 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 apply:

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

2. If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 6. That § 5.0 (PROVISIONS FOR FLOOD HAZARD REDUCTION) be amended by adding thereto a NEW SUBSECTION to read as follows:

**5.4 COMMUNITY FLOOD HAZARD AREA**

Located adjacent to the areas of special flood hazard established in Section 3.2 is an area where damage from subsurface flood conditions and flooding events that exceed the base flood elevation typically occur. The regulations for the CFHA apply for up to 100ft of distance or 8ft increase in elevation from the closest adjacent SFHA (whichever occurs first) with the following requirements:
(1) The lowest level elevation (including basement) shall be no more than 5 ft below the base flood elevation.
(2) The lowest structure opening shall be no less than 1 ft above the base flood elevation.
(3) FEMA technical bulletin 10-01 shall be utilized.

Motion by Schmidt and seconded by Weeldreyer. All Commissioners voted “Aye”.
Date adopted: April 1, 2008.

Otto Hagedorn
Chairman,
Lincoln Board of County Commissioners

ATTEST:
Auditor, Lincoln County
Paula Feucht

First Reading: March 25, 2008
Second Reading: April 1, 2008
Date Adopted: April 1, 2008
First Publication: April 10, 2008
Effective Date: April 30, 2008