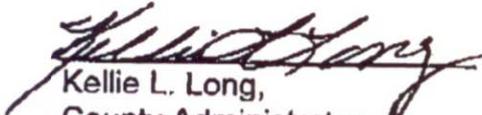


ATTEST:


Kellie L. Long,
County Administrator

CERTIFICATION

I, the undersigned, County Administrator of the County of St. Clair, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the County Commission at its meeting held on April 14, 2009 and as same appears of record in Minute Book of said County, and approved by the County Commission on the 14th day of April, 2009.

GIVEN UNDER MY HAND AND CORPORATE SEAL of St. Clair County, Alabama,
this 14th day of April, 2009.


Kellie L. Long
County Administrator



ORDINANCE NO. 2

**AN ORDINANCE TO AMEND THE
ST. CLAIR COUNTY FLOOD DAMAGE PREVENTION ORDINANCE**

WHEREAS, on the 14th day of April, 2009, a public hearing was held by the County Commission (the "Commission") of St. Clair County, Alabama (the "County"), regarding a proposed amendment to the *St. Clair County Flood Damage Prevention Ordinance* ("FDPO"); and

WHEREAS, the Flood Emergency Management Agency has recommended and/or required the passage and adoption of the FDPO and authorized the amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the County Commission of St. Clair County, Alabama, while in regular session, on the 14th day of April, 2009, as follows:

Section 1: That Article 2, "Definitions," be amended as follows by the addition of the following defined words/phrases:

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 final site grading of the pouring of concrete pads) is completed before September 29, 1989.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots of 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.

Floodplain means any land area susceptible to being inundated by water from any source.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individuals listing on the National Register;
- b. 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.

- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of levee, or levees, and associated structures, such as closure drainage devices, which are constructed and operated in accordance with sound engineering practice.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of Vehicles building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided, that such enclosure is not build so as to render the structure in violation of other provision of this code.

Recreation vehicle means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damages also means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equal or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or substantial damage", regardless of the actual repair work performed. The market value of the building should (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair worked performed.

For the purpose 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 the alteration affects the external dimensions of the building. The term does not, however, include either (1) Any project for improvement of a structure to correct existing violations of state 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 structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Section 2: That Article 5, Section B (1) shall be amended to state as follows:

Residential Construction. New construction or substantial improvement of any residential permanent structure (not including manufactured homes) shall have the lowest floor, including the basement, elevated no lower than (at or above) the base flood elevation:

All temporary structures (including manufactured homes) or substantial improvements thereto shall have the lowest floor, including the basement, elevated no lower than (at or above) one foot above the base flood elevation.

Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).

Section 3: That Article 5 Section B (2) shall be amended to state as follows:

New construction or substantial improvement of any commercial, industrial, or non-residential permanent building (not including manufactured homes) shall have the lowest floor, including the basement, elevated no lower than (at or above) the base flood elevation. Such buildings located in all A-zones may be flood proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4 Section C (9).

New construction or substantial improvement of any commercial, industrial or non-residential temporary building (including manufactured homes) shall have the lowest floor, including the basement, elevated no lower than (at or above) one foot above the base flood elevation.

Section 4: That Article 5, Section C (2) shall be amended to state as follows:

New construction or substantial improvements to permanent non-commercial structures (not including manufactured homes) shall be elevated to elevations equal to (at or above) the adjacent grade level.

New construction or substantial improvements to permanent commercial structures (not including manufactured homes) shall be elevated or flood-protected to (at or above) the adjacent grade level.

Manufactured homes or substantial improvements thereto shall be elevated equal to (at or above) one foot above the adjacent grade level.

Section 5: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6: That this ordinance shall become effective as provided by law after passage, approval and publication.

ADOPTED and APPROVED this the 14th day of April, 2009.

County of St. Clair, Alabama

By:


Stanley D. Batemon,
County Commission Chairman