

NOTICE

Notice is hereby given that the following Ordinance was passed upon a first reading by the Calloway County Fiscal Court at its regularly scheduled meeting held on the 25th day of January 2005:

COMMONWEALTH OF KENTUCKY
CALLOWAY COUNTY FISCAL COURT
ORDINANCE NO. 05-0125

FLOOD DAMAGE PREVENTION ORDINANCE FOR CALLOWAY COUNTY

Article 1 Statutory Authorization, Findings Of Fact, Purpose And Objectives

Article one addresses such topics as statutory authorization, findings of fact, purpose and objectives. This article contains four sub sections:

Section A Statutory Authorization:

This section reflects the fact that KRS 67.084 authorized the Calloway County Fiscal Court to adopt local ordinances and regulations designed to promote the public health safety and general welfare of its citizenry.

Section B Findings Of Fact:

This section sets forth specific findings of fact with respect to issues involving the loss of life, property, health, and safety hazards resulting from the periodic inundation of flood hazard areas in Calloway County. Further, this section finds specifically that flood losses are caused in part by the location in flood hazard areas of certain land usage vulnerable to floods which are inadequately elevated, flood proofed , or otherwise unprotected from flood damage.

Section C Statement of Purpose:

This section sets forth the purpose behind the adoption of the ordinance. The purpose of this Ordinance is in effect to promote the public health, safety and welfare and to minimize the public use and private loss due to flood in Calloway County. In addition, Five specifically designated additional purposes are outlined in Section C.

Section D Objectives

Section D of the Ordinance sets forth eight specific objectives behind the adoption of the flood control Ordinance.

Article 2 Definitions

This portion of the Ordinance specifically defines one hundred and eleven words, terms, and phrases contained in the Calloway County Flood Damage Prevention Ordinance.

Article 3 General Provisions

Article three and its accompanying sections specifically set forth the following:

Section A describes the lands to which this Ordinance applies.

Section B sets forth the basis for establishing the special flood hazard areas of Calloway County.

Section C establishes the requirement for a development permit prior to the commencement of any development in special flood hazard areas.

Section D establishes a full total compliance standard with respect to the flood damage prevention ordinance.

Section E states specifically that the ordinance is not intended to repeal or impair existing easements or covenants or deed restrictions. However, where this ordinance and other restrictions overlap, the more stringent restrictions shall prevail.

Section F sets forth the standard for interpretation of the Ordinance which shall be minimum requirements, liberally construed in favor of the governing body and deemed neither to limit nor repeal any other powers granted under state statutes.

Section G specifically states that areas outside designated special flood hazard areas may in fact be subject to flooding. The ordinance does not create any liability on the part of the Fiscal Court of Calloway County or any other accompanying employee or agency for flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section H sets forth specific procedures for enforcement of the ordinance, along with appropriate penalties for violation of the ordinance.

Article 4 Administration

Article 4 of the Flood Damage Prevention Ordinance includes three specific sections, the subjects of which are as follows:

Section A Designation of local Administrator

This section designates the county planner as the local administrator responsible for implementation and enforcement of the provisions of the ordinance.

Section B Establishment of Development permit

This section sets forth the specific information and procedure required for the issuance of a permit before any construction or other development begins within a special flood hazard area.

Section C Duties and Responsibilities of the Local Administrator

This section of the ordinance specifically sets forth the duties and responsibilities of the local administrator.

Article 5 Provisions For Flood Hazard Reduction

This article of the ordinance and its accompanying seven subsections states specifically as follows:

Section A Sets forth the general construction standards which shall be applied when construction and or development is allowed in special flood hazard areas.

Section B Sets forth specific standards for construction and development in special flood hazard areas. These standards cover residential construction, non-residential construction, elevated structures, standards for manufactured homes and recreational vehicles, flood ways, standards for utilities, and structures elevated on fill.

Section C sets forth specific standards for streams without an established base flood elevation (unnumbered A zone) and or flood ways.

Section D sets forth standards for shallow flooding zones.

Section E sets forth specific standards for subdivision proposals.

Section F sets forth specific for accessory structures in all zones beginning with the letter "A".

Section G specifically states that construction of new critical facilities shall to the extent possible be located outside the limits of the "100 years flood plain". Further, Section G set forth certain construction requirements for these critical facilities.

Article 6 Appeals And Variance Procedures

Article 6 of the ordinance sets forth a specific procedures for variance requests. In addition, Article 6 designates the establishment of a specific appeal board to hear such variance requests. This article of the ordinance contains eight sub sections.

Article 7 Severability

This article of the Ordinance states that should any section of this ordinance be declared by the court to be unconstitutional or invalid then that decision shall not affect the validity of the Ordinance as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid.

A copy of the Ordinance, in its entirety is available for public inspection at the office of the Calloway County Judge Executive located at 101 South 5th Street, Murray, Kentucky. The Ordinance is available for public inspection and review during normal business hours from 8:30 a.m. until 4:30 p.m. Monday through Friday. Notice is hereby further given that this ordinance will be brought on before the Calloway County Fiscal Court for a 2nd reading at the next regularly scheduled meeting of the Calloway County Fiscal Court on the 19th day of April, 2005 at the hour of 7 p.m. at the Weak's Community Center, 607 Poplar Street, Murray, Kentucky.



Larry Elkins

Calloway County Judge Executive