

## ORDINANCE NO. 18-10939

**AN ORDINANCE REPEALING SECTIONS 42-618.1, 42-629.1, 42-629.2, 42-634.1, 42-656.1, 42-668.1, 42-668.3, 42-673.1, 42-674, 42-674.1, 42-674.2, 42-675, 42-676, 42-676.1, 42-679.1, 42-690.1, 42-690.2, 42-712.1, 42-722.1, 42-751, 42-758.1, 42-782.1, 42-785.1 AND 42-792, AND AMENDING AND REPEALING THE EXISTING SECTIONS 42-712.2 AND 42-783.**

**BE IT ORDAINED** by the Governing Body of the City of Salina, Kansas ("City"):

**Section 1. Repeal.** For the reason that the definitions outlined in this section are specific to the City's floodplain regulations and have been adopted under Ordinance No. 18-10930 and codified Salina Code Section 42-428, the following definitional sections are repealed:

**Sec. 42-618.1. Actuarial premium rates.**

"Actuarial premium rates" are those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

**Sec. 42-629.1. Area of shallow flooding.**

"Area of shallow flooding" is a designated AH zone on the city's flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Sec. 42-629.2. Area of special flood hazard.**

"Area of special flood hazard" is the land in the flood plain within the city subject to one percent or greater chance of flooding in any given year.

**Sec. 42-634.1. Base flood.**

"Base flood" is the flood having one percent chance of being equalled or exceeded in any given year.

**Sec. 42-656.1. Development.**

"Development" is any man-made change to improved or 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.

**Sec. 42-668.1. Existing construction.**

"Existing construction" is (for the purposes of determining flood insurance rates) any structure for which the "start of construction" commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures".

**Sec. 42-668.3. Existing structures.**

See "existing construction".

**Sec. 42-673.1. Flood or flooding.**

"Flood" or "flooding" is a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Sec. 42-674. Flood fringe.**

"Flood fringe" is that portion of the flood plain lying outside of the floodway, i.e., subject to being covered by floodwaters of the regulatory flood, but not required to carry and discharge the flood waters.

**Sec. 42-674.1. Flood insurance rate map.**

"Flood insurance rate map" (FIRM) is an official map of the community, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

**Sec. 42-674.2. Flood insurance study.**

"Flood insurance study" is the official report provided by the federal emergency management agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

**Sec. 42-675. Flood plain.**

"Flood plain" is a watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one (1) percent.

**Sec. 42-676. Floodway.**

"Floodway" is 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 one foot.

**Sec. 42-676.1. Floodway fringe.**

"Floodway fringe" is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent chance of flood occurrence in any one year).

**Sec. 42-679.1. Freeboard.**

"Freeboard" is a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

**Sec. 42-690.1. Highest adjacent grade.**

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

**Sec. 42-690.2. Historic structure.**

"Historic structure" means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual 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 in states with historic preservation programs which have been approved by the Secretary of Interior; or

- (d) Individually listed on a local inventory of historic places in 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.

**Sec. 42-712.1. Lowest floor.**

"Lowest floor" 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 a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**Sec. 42-722.1. New construction.**

New construction means, for the purposes 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.

**Sec. 42-751. Regulatory flood.**

This term and definition is to be deleted.

**Sec. 42-758.1. Risk premium rates.**

See "Actuarial premium rates."

**Sec. 42-782.1. Start of construction.**

"Start of construction" (for the purposes of the floodplain regulations) includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction repairs, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (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 the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of 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.

**Sec. 42-785.1. Substantial improvement.**

"Substantial improvement" is any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**Sec. 42-785.2. Substantial damage.**

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before damage occurred.

**Sec. 42-792. Undue restriction of the regulatory flood.**

"Undue restriction of the regulatory flood" is a restriction or blocking of the conveyance of flood-water on a flood plain created by structures or fill which, when coupled with an assumed equal conveyance reduction on the opposite side of the flood plain, results in an increase in the height of the regulatory flood of more than one foot.

**Section 2. Amendment.** Section 42-712.2 and 42-783 in Article XIV of Chapter 42 of the Salina Code are amended to read as follows:

**Sec. 42-712.2. Manufactured home.**

"Manufactured home" is a structure built on a permanent chassis and transportable in one (1) or more sections, which contains all necessary plumbing, heating, air conditioning and electrical systems, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to all required utilities. Such structures have not and cannot be determined to have been built in accordance with adopted city building codes but have been constructed in conformance with the Federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code established pursuant to 42 U.S.C. Section 5403.

**Sec. 42-783. Structure.**

"Structure" is anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, sheds, towers, and bins. For purposes of this chapter, residential air conditioning condensation units and similar cooling system apparatus, or so-called "window" or "room" conditioners shall not be considered as structures.

**Section 3. Repeal of existing sections.** Existing Salina Code Sections 42-712.2 and 42-783 are repealed.

**Section 4. Effective.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 18-10939 Summary

On June 11, 2018, the City Commission passed Ordinance No. 18-10939. The Ordinance repeals Sections 42-618.1, 42-629.1, 42-629.2, 42-634.1, 42-656.1, 42-668.1, 42-668.3, 42-673.1, 42-674, 42-674.1, 42-674.2, 42-675, 42-676, 42-676.1, 42-679.1, 42-690.1, 42-690.2, 42-712.1, 42-722.1, 42-751, 42-758.1, 42-782.1, 42-

785.1 and 42-792, and amends and repeals the existing Sections 42-712.2 and 42-783 of the Salina Code to remove all flood plain specific terms and definitions in order to eliminate any potential for duplication or conflict between Article VIII Flood Plain Management and Article XIV Definitions. A complete copy of the Ordinance can be found at [www.salina-ks.gov](http://www.salina-ks.gov) or in the office of the City Clerk, 300 W. Ash, free of charge. This summary is certified by the City's legal counsel.

Introduced: June 4, 2018  
Passed: June 11, 2018

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Karl F. Ryan, Mayor

[SEAL]  
ATTEST:

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Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this \_\_\_\_ day of June, 2018.

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Greg A. Bengtson, City Attorney