

ORDINANCE NO. 1756

CITY OF LEXINGTON, NEBRASKA

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS, DEFINING THE SAME, SETTING FORTH REGULATIONS THEREOF, PROVIDING FOR ENFORCEMENT, PRESCRIBING PENALTIES FOR VIOLATION OF PROVISIONS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT, AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT PURPOSES.

1.1 STATUTORY AUTHORIZATION.

The Legislature of the State of Nebraska has in Chapter 19, Article 9, R.R.S. 1943, delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety, and general welfare from floods. Therefore, the City Council of Lexington, Nebraska, ordains as follows.

1.2 FINDINGS OF FACT.

1.21 Flood Losses Resulting From Periodic Inundation.

The flood hazard areas of Lexington, Nebraska, are subject to inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare.

1.22 General Causes of These Flood Losses.

These flood losses are caused by (1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities; (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

1.23 Methods Used to Analyze Flood Hazards.

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- (1) Selection of regulatory flood which is based upon engineering calculations which permits consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to occur on the average once every 100 years or has a one percent (1%) chance of occurrence in any one year, as delineated on the preliminary draft of the Federal Insurance Administrations Flood Insurance Study, and illustrative materials (FIRM) when available and, as amended.
- (2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (3) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point except as (6) of this section is utilized.

- (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- (5) Delineation of the floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.
- (6) Designation of, in conjunction with a modified floodway, a minimum density factor expressed as a percent of developable lot size which would prevent and increase in flood height of the regulatory flood more than one (1) foot based upon hydraulic computations.

#### STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provision designed to:

- 1.31 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or cause increase in flood heights or velocities.
- 1.32 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 1.33 Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 1.34 To assure that eligibility is maintained for property owners in the community to purchase flood insurance in the Federal Flood Insurance.

#### SECTION 2.0 GENERAL PROVISIONS.

##### 2.1 LANDS TO WHICH ORDINANCE APPLIES.

This ordinance shall apply to all lands within jurisdiction of City of Lexington, Nebraska, identified in the Flood Insurance Rate Map (FIRM) ~~November 1987~~ <sup>5-15-84</sup>, as numbered and unnumbered A Zones and or within the Zoning Districts FW and FF established in Section 4.0 of this ordinance. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitant of the City, and where specifically noted in Sections 5.0, 6.0, and 7.0.

##### 2.2 THE ENFORCEMENT OFFICER.

The Code Enforcement Officer of the City is hereby designated as the Council's duly designated Enforcement Officer under this Ordinance.

##### 2.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Official shall make the necessary interpretation.

In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

#### 2.4 COMPLIANCE.

No structure, land, or water shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

#### 2.5 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

#### 2.6 INTERPRETATION.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

#### 2.7 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries of land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Lexington, Nebraska, or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### 2.8 SEVERABILITY.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### 2.9 APPLICATION FOR APPEAL.

Where a request for a Permit to develop or Variance is denied by the Code Enforcement Official, the applicant may apply for such permit or variance directly to the Board of Adjustment.

### SECTION 3.0 DEVELOPMENT PERMIT.

#### 3.1 PERMIT REQUIRED.

No person, firm, or corporation shall initiate any development or cause the same to be done without first obtaining a separate permit for development for each such building or structure.

### 3.2 APPLICATION FOR PERMIT.

- A. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for the purpose. Every such application shall:
- 3.21 Identify and describe the work to be covered by the permit for which application is made.
  - 3.22 Describe the land on which the proposed work is to be done by lot, block tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
  - 3.23 Indicate the use of occupancy for which the proposed work is intended.
  - 3.24 Be accompanied by plans and specifications for proposed construction.
  - 3.25 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
  - 3.26 Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Code Enforcement Official.
  - 3.27 Give such other information as reasonably may be required by the Code Enforcement Official including but not limited to:
    - a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-section areas to be corrupted by the proposed development and higher water information.
    - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size location, and spatial arrangement of all proposed and existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
    - c. Profile showing the slope of the bottom of the channel of flow line of the stream.
- B. The Code Enforcement Official shall review all building permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. Code 1334) and make recommendations for development in all locations which have flood hazards.

### SECTION 4.0 ESTABLISHMENT OF ZONING DISTRICTS.

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: a floodway overlay district (W) identified in the Flood Insurance Study and floodway fringe overlay district (FF) identified on the (FIRM) The boundaries of these districts shall be shown on the official zoning map. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

SECTION 5.0 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

- 5.1 No Permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of mobile homes within A Zones unless the conditions of this Section are satisfied.
- 5.2 All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance except those sections relating to elevation or floodproofing. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction.
- 5.3 New construction, substantial improvements, prefabricated buildings, placement of mobile homes and other developments shall be designed or anchored to prevent the flotation, collapse, or lateral movement due to flooding and will require:
  - 5.31 New or replacement water to supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, and on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
  - 5.32 Subdivision proposals and other proposed new development shall be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development of five (5) acres or fifty (50) lots whichever is lesser, include within such proposals the regulatory flood elevation.
  - 5.34 Utility and Sanitary Facilities - All utility and sanitary facilities shall be floodproofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - 5.35 Provide that until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the City's F.I.R.M. unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference: Section 1.23 (1) of this ordinance.
  - 5.36 The use of construction materials and utility equipment that are resistant to flood damage; moreover, construction methods and practices will minimize flood damage.
  - 5.37 The governing body of the city to insure that the flood carrying capability within the altered or related portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator. Moreover, the City will work with appropriate

State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

5.38 Storage of Material and Equipment:

- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

SECTION 6.0 FLOODWAY OVERLAY DISTRICT.

6.1 PERMITTED USES.

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Section 5.0.

- 6.11 Agricultural uses such as general farming, pasture, nurseries, and forestry.
- 6.12 Residential uses such as lawns, gardens, parking, and play areas.
- 6.13 Non-residential areas such as loading area, parking, and airport landing strips.
- 6.14 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife, and nature preserves. New placement of residential structures including mobile homes is prohibited within the identified floodway (W) area.

SECTION 7.0 FLOODWAY FRINGE OVERLAY DISTRICT.

7.1 PERMITTED USES.

Any use permitted in Section 6.0 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.

7.2 STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT.

- 7.21 The maximum ground coverage of all buildings and fill material on lots or tracts shall be limited to forty (40) percent of the lot area. A grading plan shall accompany an application for a building permit when fill is proposed to be used. The maximum ground coverage limitation shall be adhered to for new buildings, the total building area including additions or alterations to existing structures, and existing and proposed fill area. The percent of lot coverage shall not prohibit the filling of a lot to the elevation of adjacent curb lines.
- 7.22 Require new construction or substantial improvements of residential structures to have the lowest floor, including basement elevated one foot above the regulatory flood elevation.
- 7.23 Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated one foot above the regulatory flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed up to that level.

- 7.24 With Zones A0 all new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the highest adjacent grade to or above the depth number specified on the official FIRM.

Non-residential structures, within Zones A0, together with attendant utility and sanitary facilities may be floodproofed to or above the depth number specified on the official FIRM.

- 7.25 For new mobile home parks, mobile home subdivisions or expansions of the same, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50 percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced, it is required that:

- a) Specific anchoring standards be met.
  1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side.
  2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.
  3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
  4. Any additions to mobile homes be similarly anchored.
- b) Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.
- c) Adequate surface drainage and easy access for a hauler is provided.
- d) In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than ten (10) feet apart and steel reinforcement is provided for piers more than six (6) feet high.

## SECTION 8.0 CERTIFICATION AND INFORMATION

- 8.1 Flood Proofing - Applicants shall provide certification by a registered professional engineer or architect that the flood proofing plans are adequate to be water tight with walls impermeable to the passage of water and withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood.
- 8.2 Flood proofing of residential structures will not be allowed unless the community is specifically granted an exception from the provisions of this ordinance by the Administrator of the Federal Insurance Administration.
- 8.3 Elevation of Property - The applicant shall provide information identifying the elevation of the property in relation to mean sea level of the lowest flood (including the basement of the proposed structure) to which structures are flood proofed. In addition, the applicant shall provide this information for the second lowest floor when the lowest floor is below grade on one or more sides.
- 8.4 The Code Enforcement Official will maintain the records of certification when issuing development permits in conformance with this section.



## SECTION 9.0 VARIANCE

- 9.1 Where by reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this ordinance would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Adjustment may authorize a variance from strict application so as to relieve the demonstratable difficulties or hardships, provided that such a variance may only be granted if:
- 9.11 The structure is to be erected on a lot on one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.
- 9.12 The structure is listed on the National Register of Historic Places, the State Inventory of Historic Places to be restored or reconstructed.
- 9.2 Variances shall not be issued except upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.
- 9.3 Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this ordinance to afford relief.
- 9.4 A community will notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100-year flood level will result in increased actuarial rates for flood insurance coverage.

## SECTION 10.0 NON-CONFORMING USE

- 10.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
- 10.11 No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
- 10.12 If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Code Enforcement Office (Official) in writing of instances of non-conforming uses where utility services have been discontinued for a period of twelve (12) months.
- 10.13 Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.
- 10.2 If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 11.0 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Lexington, Nebraska. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

SECTION 12.0 DEFINITIONS.

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

- ACTUARIAL RATES - or "risk 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 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.
- CHANNEL - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
- DEVELOPMENT - Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- FLOOD - A temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.
- FLOOD ELEVATION DETERMINATIONS - A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one (1) percent chance of occurrence in any given year.
- FLOOD INSURANCE RATE MAP (FIRM) - The official report provided by the Federal Insurance Administration. The report contains flood profiles and water surface elevations for various flood frequencies as well as the boundaries and water surface elevations of the 100-year flood.
- FLOOD PLAIN MANAGEMENT - The operation of the overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.
- FLOOD PROTECTION SYSTEM - Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

- FLOOD PROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- FLOODWAY - The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.
- FLOODWAY FRINGE - That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e. that has a one (1) percent change of flood occurrence in one (1) year.)
- MOBILE HOME - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
- MOBILE HOME PARK (SUBDIVISION) - "Mobile Home Subdivision" means a parcel (or contiguous parcels) of land which has been divided into two (2) or more lots for rent or sale and the placement of mobile homes.
- REGULATORY FLOOD ELEVATION - Elevation indicated in the official flood plain study as the elevation of the 100-year flood.
- STRUCTURE - A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.
- SUBSTANTIAL IMPROVEMENT - Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes 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 that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations as well as structures listed in National or State Registers of historic places.
- 100-YEAR FLOOD - The condition of flooding having one (1) percent chance of annual occurrence.
- AREA OF SHALLOW FLOODING - A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- REGULATORY FLOOD PROTECTION ELEVATION - An elevation one foot higher than the water surface elevation of the regulatory flood.

SECTION 13.0 ADMINISTRATION AND ENFORCEMENT.

13.1 If the Code Enforcement Officers shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

13.2 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or a building, structure, or land is used in violation of this ordinance, the City, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, alteration, maintenance, or use, or to correct or abate such violations, or to prevent the occupancy of such building, structure, or land.

SECTION 14.0 PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

SECTION 15.0 REPEAL.

15.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 16.0 PUBLICATION.

16.1 This ordinance shall be published in pamphlet form to be distributed by the City.

SECTION 17.0 PASSAGE.

17.1 This ordinance shall be in full force and effect from after its passage and publication as provided by law.

PASSED AND APPROVED this 26th day of June, 1984.

ATTEST:

*[Signature]*  
City Clerk

*[Signature]*  
Mayor

(S E A L)



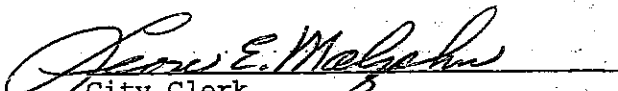
STATE OF NEBRASKA)  
 ) SS.  
COUNTY OF DAWSON )

PROOF OF PUBLICATION

Leon E. Malzahn, being first duly sworn under oath says that he is  
the Clerk of the City of Lexington, Nebraska, and that Ordinance No. 1756  
was published in pamphlet form on the 26th day of June, 1984.

  
City Clerk

Filed in my office the 26th day of June, 1984.

  
City Clerk

