

MUNICIPAL CODE  
OF THE  
CITY OF CROFTON,  
NEBRASKA

\*\*\*\*\*

MAYOR AND CITY COUNCIL MEMBERS

MAYOR.....VERNON WUEBBEN  
COUNCIL MEMBER.....KIM SAWATZKE  
COUNCIL MEMBER.....RON GUENTHER  
COUNCIL MEMBER.....JAY HABERER  
COUNCIL MEMBER.....ROD HEGGE

CITY CLERK.....NANCY FOXHOVEN  
CITY ATTORNEY.....DALE RIESBERG

## RESOLUTION

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA, DIRECTING THE CITY CLERK TO CAUSE ORDINANCE NO. 260 TO BE PRINTED AND PUBLISHED IN BOOK FORM BY MUNICIPAL CODE SERVICES OF NELIGH, NEBRASKA.

BE IT RESOLVED by the Mayor and City Council of the City of Crofton, Nebraska, that the City Clerk of said City be and she hereby is directed to cause Ordinance No. 260 of the City of Crofton, Nebraska, which was on this date duly passed by said City Council and approved by the Mayor of said City, to be printed and published in book form by Municipal Code Services of Neligh, Nebraska, within 30 days after this date, and that said printed ordinances be kept in the custody of the City Clerk.

PASSED AND ADOPTED this 1st day of October, 2001.

/s/ Vernon Wuebben

\_\_\_\_\_  
Mayor

Attest:

/s/ Nancy Foxhoven

\_\_\_\_\_  
City Clerk

(SEAL)

**CERTIFICATION OF PASSAGE**

STATE OF NEBRASKA    )  
                                  ) ss  
COUNTY OF KNOX        )

I, Nancy Foxhoven, City Clerk in and for the City of Crofton, Nebraska, do hereby certify that Ordinance No. 260, which is hereinafter set out, was duly passed by the City Council of the City of Crofton on the 1st day of October, 2001, and was duly approved by the Mayor of said city on the same date; and that said ordinance has been printed and published in book form pursuant to the Resolution duly adopted by the Mayor and City Council of the City of Crofton on the aforesaid date, and the books containing said printed ordinances are now in my possession for distribution to the residents of the City of Crofton.

In testimony whereof, I have hereunto set my hand and affixed my official seal this 1st day of October, 2001.

/s/ Nancy Foxhoven

\_\_\_\_\_  
City Clerk

(SEAL)

ORDINANCES OF A GENERAL AND PERMANENT NATURE  
OF THE CITY OF CROFTON, NEBRASKA

ORDINANCE NO. 260

AN ORDINANCE OF THE CITY OF CROFTON, NEBRASKA,  
CODIFYING THE GENERAL ORDINANCES OF THE CITY AND REPEALING  
PRIOR ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CROFTON,  
NEBRASKA, AS FOLLOWS:

SECTION 0-001: CODIFICATION

The ordinances of the City of Crofton, Nebraska, are hereby revised and classified into eight chapters and the sections thereunder, which are adopted and declared to be the ordinances of this city.

SECTION 0-002: REPEAL PRIOR ORDINANCES IN CONFLICT

All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance are hereby repealed; provided, in construing the provisions of this ordinance, the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets or alleys;
2. Ordinances authorizing or directing public improvements to be made;
3. Ordinances levying taxes or special assessments;
4. Ordinances granting any right, privilege, franchise, or license to persons, firms, or corporations;
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness;
6. Any other ordinance which by nature would be considered special.

SECTION 0-003: EXCEPTIONS

The repeal of ordinances as provided in the preceding section hereof shall not

affect any right acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof; said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication hereof for the purpose of all such rights, fines, penalties, forfeitures, and liabilities and actions therefor.

#### SECTION 0-004: DEFINING CHAPTERS AND SECTIONS; ORDINANCE NUMBERING

The chapters and sections as set forth herein shall be and hereby are declared to be the chapters and sections to designate said provisions, and all ordinances hereafter passed shall be numbered consecutively, beginning with number 261.

#### SECTION 0-005: VALIDITY

Each chapter, section, and subdivision of a section of each ordinance is hereby declared to be independent of each other chapter, section, or subdivision of a section so far as inducement of the passage of this ordinance is concerned; and the invalidity of any chapter, section, or subdivision of a section of this ordinance shall not invalidate any other chapter, section, or subdivision of a section thereof.

#### SECTION 0-006: BLANKET PENALTY

Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of the within municipal code of ordinances, chapters, sections, or subdivisions of sections included herein, unless specifically otherwise provided herein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not to exceed \$500.00.

#### SECTION 0-007: FINES, COSTS, COMMITMENTS

In any case where any person, including a partnership or corporation, shall have been found guilty of the violation of any ordinance of the City of Crofton, such person shall pay the costs of prosecution and court costs and shall stand committed until the same shall have been paid in full.

#### SECTION 0-008: EMPOWERMENT OF OTHER LAW ENFORCEMENT PERSONNEL

The term "city police" shall apply in all instances to all other law enforcement officials, including Nebraska State Patrolmen and Knox County Sheriff and

deputies. Whenever this recodified ordinance empowers the city police to take any action, such empowerment shall extend to and apply equally to any Nebraska State Patrolman or the Knox County Sheriff or deputies.

#### SECTION 0-009: GENERAL DEFINITIONS

1. Person. Whenever used in this code, "person" shall include persons, artificial persons such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. Gender, number. All words used herein implying the masculine gender may apply to and include the feminine or neuter gender, and all words importing the plural may be applied to and mean a single person, firm or thing, or vice versa; and all words importing the singular number may be applied to and mean plural number.

3. Code, ordinance, chapter. "Municipal code" shall mean General Codification No. 260. "Ordinance" and "chapter" are used synonymously, unless from the context the contrary clearly appears.

4. City, municipal, municipality. These terms, whenever used in this code, refer to the City of Crofton, Nebraska, a municipal corporation.

5. Local governing body, City Council. These terms, whenever they appear in this code, mean the Mayor and City Council of the City of Crofton, Nebraska.

#### SECTION 0-010: CONSTRUCTION OF CHAPTERS, ARTICLES, AND SECTIONS; AMENDMENTS; ALTERATIONS, CODIFICATIONS; PROCEDURE

For purposes of construction, each chapter contained and arranged in this city code shall be considered as a separate and distinct ordinance grouped for convenience under General Codification Ordinance No. 260, and each section appearing in the several chapters of this code shall be considered a separate and distinct unit of legislation germane to the chapter or article under which it is considered.

#### SECTION 0-011: PUBLICATION AND DISTRIBUTION

This code was printed in book form under the direction of the Mayor and City Council, and shall be distributed as they may see fit.

SECTION 0-012: WHEN OPERATIVE

This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 3rd day of October, 2001.

/s/ Vernon Wuebben

\_\_\_\_\_  
Mayor

Attest:

/s/ Nancy Foxhoven

\_\_\_\_\_  
City Clerk

(SEAL)

## Index for Ordinances Passed Since 2001 General Recodification

<u>No.</u>	<u>Date Passed</u>	<u>Pertained to</u>
6-142	Jan. 7	Water Department
5-211	Jan. 7	Streets
	Sept. 2002	Resolution for Taxes
261	Jan. 2003	Peddlers
262		Vacancy of Office
263		Publication of Proposed Budget
264	Aug. 2003	Sale of Lots
265	Sept.	Tax Request
26	Aug. 2004	Ballot Issue One Ward
267	Sept. 2004	Tax Request
268	Aug. 2005	Flood Management
269	Sept. 2005	Flood Management
270	Sept. 2005	Tax Request
271	Feb. 2006	Vacate Nebraska Street
272	July 2006	ATVs
273	July 2006	Sexual Predator
274	Sept. 2006	Property Tax Request
275	April 2007	Annex Property Crofton Elevator
276	Sept. 2007	Property Tax
277	Dec. 2007	ATVs
278	Aug. 2008	Sales Tax 1%
279	Aug. 2008	Development Plan
280	9-10-08	Property Tax Request
281	12-1-08	Adopt City Sales Tax
282	12-1-08	Safe to School Resolution
283	3-2-09	Create Street District
284	8-3-09	Bond Anticipation Notes
285	9-9-09	Property Tax Request
286	11-20-09	Resolution for Safe to School
287	5-3-09	Travel Restriction
288	6-7-10	NCIP Resolution
289	6-7-10	Great Plains Franchise
290	7-7-10	Bond Series
291	7-7-10	Extended Bar Hours
292	9-8-10	Zoning - Jansen property
293	9-8-10	Zoning - Wiebelhaus property
294	9-8-10	Property Tax



295	11-1-10	Sale of City Property - Resoluton
296	12-6-10	Authorization of Sale to Buschkamp
297	12-6-10	Change Zoning on Lots 1-3 Landmark Estates
298	12-6-10	Northeast Nebraska Economic District Agreement
299	1-3-11	Payloader Lease
300	3-7-11	Hazardous Mitigation
301	7-6-11	Bar Closing Time
302	9-7-11	2011 Property Tax
303	8-6-2012	John Case Drainage Agreement
304	10-1-2012	Bar Hours for Sunday
305	9-12-2012	2012 Property Tax
306	12-3-2012	Utility Fees
307	2-4-2012	Re-Development Authority
308	5-6-2013	Salvage Yard
309	6-3-2013	Rezoning for Babcock property, Roger Yates
310	9-11-2013	ATVs
311	8-5-2013	Blight Area
312	9-11-2013	2013 Property Tax
313	10-7-2013	No Left Turns
314	10-7-2013	Sewer Rates
315	11-4-2013	Authorize Street Agreement
316	1-6-2014	Adopt Comprehensive Plan
317	7-6-2014	New Zoning Map
318	2-3-2014	One & Six Year Street Plan Resolution
319	4-7-2014	Hwy 12 Parking
320	4-7-2014	Rezoning Landmark Estates
321	4-7-2014	Sale of Lots 4-6 Landmark Estates
322	4-7-2014	USDA Grant Application - Sewer Project
323	7-7-2014	Creation of Cemetery Board
324	7-7-2014	Creation of a Zoning Administrator
325	8-4-2014	Hours for Sale of Liquor
326	9-15-2014	2014 Property Tax Request
327	9-15-2014	Application for Assistance - Concession Stand
328	9-15-2014	Knox County Local Emergency Operations Plan
329	2-2-2015	Meeting Times for City Council
330	2-2-2015	One & Six Year Street Plan
331	2-2-2015	Line of Credit for Waste Water Study

ORDINANCE NO. 261

AN ORDINANCE OF THE CITY OF CROFTON, NEBRASKA, PROVIDING THAT THE PEDDLERS AND SOLICITOR'S REGULATION SHALL NOT APPLY TO NONCOMMERCIAL CONVASSERS; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

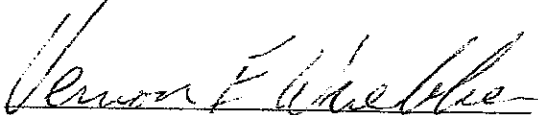
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA, AS FOLLOWS:

SECTION 1. From and after this date, the peddler's and solicitor's regulations set forth in Ordinance No. \_\_\_\_\_, Section \_\_\_\_\_ shall not pertain to nor apply to persons canvassing residents within the City for religious, political or other noncommercial purposes.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

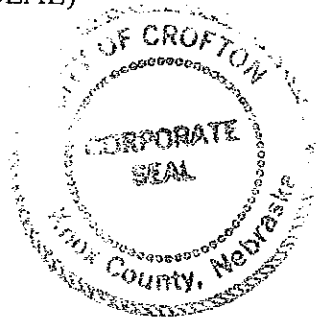
CITY OF CROFTON, NEBRASKA

  
Mayor

ATTEST:

  
City Clerk

(SEAL)



6

ORDINANCE NO. 262

AN ORDINANCE OF THE CITY OF CROFTON, NEBRASKA, PROVIDING FOR DETERMINATION OF A VACANCY OF OFFICE UPON THE ABSENCE OF AN ELECTED OFFICIAL OF THE CITY FOR FIVE CONSECUTIVE MEETINGS; PROVIDING FOR A MEETING TO DETERMINE VACANCY AND PROCEDURES THERETO; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA, AS FOLLOWS:

SECTION 1. In the event that an elected official of the City shall be absent for five consecutive meetings, the City Council at its next regular meeting shall hold a hearing to determine whether such absences shall be excused. Notice of such in writing, shall be delivered to the absent member at least ten days prior to such hearing and he/she shall be given the opportunity to present evidence and testimony to support a determination that such absences should be excused. After such hearing, the City Council shall vote to either excuse such absences or to determine that such absences are unexcused and declare the seat vacant.

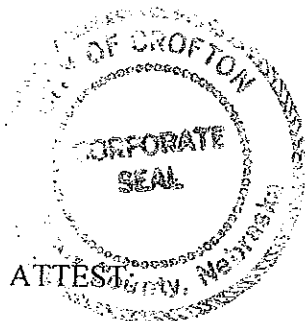
SECTION 2. In the event the seat is determined vacant, the vacancy shall be filled pursuant to Section \_\_\_\_\_ of Ordinance No. \_\_\_\_\_.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

CITY OF CROFTON, NEBRASKA

  
\_\_\_\_\_  
Mayor



  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 263

AN ORDINANCE OF THE CITY OF CROFTON, NEBRASKA, PROVIDING FOR THE PUBLICATION OF THE ANNUAL PROPOSED BUDGET STATEMENT; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

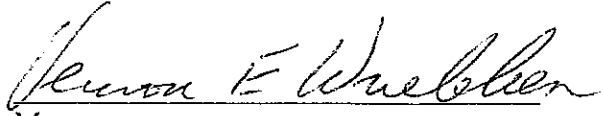
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA, AS FOLLOWS:

SECTION 1. From and after this date, the city clerk shall make available to the public the proposed budget statement prior to publication of the notice of the hearing on such proposed budget statement.

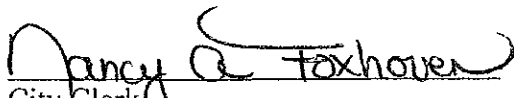
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

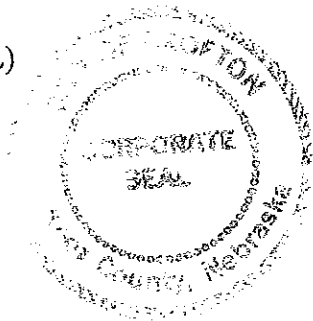
CITY OF CROFTON, NEBRASKA

  
Mayor

ATTEST:

  
City Clerk

(SEAL)



ORDINANCE NO. 264

AN ORDINANCE AUTHORIZING AND APPROVING THE SALE OF CERTAIN REAL ESTATE OWNED BY THE CITY OF CROFTON, KNOX COUNTY, NEBRASKA AND PROVIDING THE MANNER AND TERMS THEREOF.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA, as follows:

WHEREAS, it has been determined that the sale of the following described real estate, to-wit:

**Lots Thirteen (13) and Fourteen (14), Burbach Addition to Crofton, a replat of Lot Four (4) and part of Lot Three (3), Burbach Addition to Crofton, Knox County, Nebraska,**

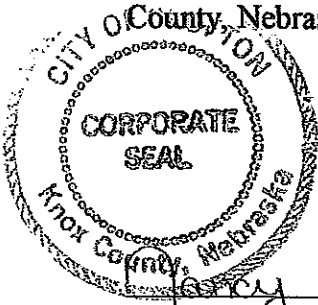
is in the best interests of the City; AND

WHEREAS, said sale has been duly advertised according to law;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Crofton, Knox County, Nebraska, that:

- 1) Said property shall be sold to Nebraska Housing Initiative, Inc. for the sum of **Five Thousand Five Hundred Ninety-two Dollars and Eighty Cents (\$5,592.80)**;
- 2) Upon payment in full for the property, the Mayor and City Clerk of Crofton, Knox County, Nebraska, be, and are hereby authorized, empowered and directed to convey the above described real property to Northeast Housing Initiative, Inc., a Nebraska Non-Profit Corporation, under the Seal of the City of Crofton;
- 3) This Ordinance shall be in full force and effect from and after its final passage and publication as required by law.

ADOPTED AND PASSED by the Mayor and City Council of the City of Crofton, Knox  
County, Nebraska, this 4th day of August, 2003.



(SEAL)

Nancy A. Foxhoven  
Nancy A. Foxhoven, City Clerk

Vernon E. Wuebben  
Vernon E. Wuebben, Mayor

RESOLUTION NO. 265

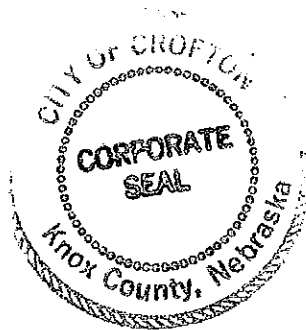
WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of Crofton passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of Crofton that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Crofton, by a majority vote, resolves that:

1. The 2003-2004 property tax request be set at \$76,349.00
2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2003.



  
Nancy A. Foxhoven, City Clerk

**CITY OF CROFTON**  
**RESOLUTION NO. 2106**

**WHEREAS** the City of Crofton, Knox County, Nebraska, has been requested by citizens thereof to consider the election of members of its City Council at large, and;

**WHEREAS** the City of Crofton and the Knox County Clerk have received and verified petition signatures in excess of those necessary to place the issue on the November 2, 2004 ballot;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Crofton, Knox County, Nebraska as follows:


1. That the Knox County Clerk in the November 2, 2004 election, shall place on a separate ballot to be issued to the registered voters of the City of Crofton, the following question:

"Shall the City of Crofton, which is currently nominating and electing members to its City Council by Ward, change to nominating and electing members of its City Council at large?"

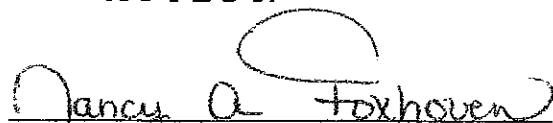
2. That said question shall be accompanied by an area for the voters to indicate their choice, which shall be designated "Yes" or "No".

3. That a copy of this Resolution shall be immediately forwarded to the County Clerk for instruction and use in preparing said ballot.

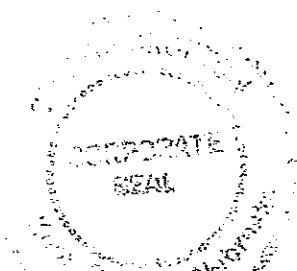
APPROVED AND PASSED by the Mayor and City Council of Crofton, Knox County, Nebraska on this 30 day of August, 2004.

  
Vernon E. Wuebben, Mayor

ATTEST:

  
Nancy A. Foxhoven, City Clerk

S E A L





WHEREAS, the City/Village of Crofton, Nebraska in Knox County is an eligible unit of general government authorized to participate in Community Development Block Grant (CDBG) Programs through the State of Nebraska Department of Economic Development (NDED); and,

WHEREAS, our community and surrounding area has a strong need for business development services and we agree that our community is part of a REAP-CDBG service area in Nebraska; and,

WHEREAS, our community would like the services of REAP to be available for start-up and existing entrepreneurs, as needed; and,

WHEREAS, the work of the REAP Program is consistent with local and area-wide strategic plans for community and economic development and will be coordinated with other economic development activities in the project area; and,

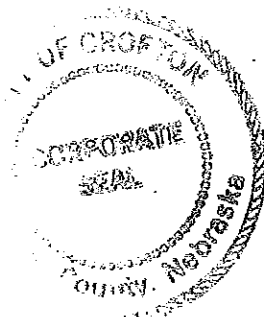
WHEREAS, working together will create more opportunities for entrepreneurs and will further enhance the overall effectiveness of all program partners;

NOW THEREFORE, BE IT RESOLVED, that the City/Village of Crofton, Nebraska supports the provision of services by the Rural Enterprise Assistance Project (REAP) in the City and surrounding area.

Passed and approved by the City Council Village Board of Crofton, Nebraska, this 10th day of June, 2005.

  
Mayor/Chairman

Attest:   
City/Village Clerk



RESOLUTION NO. 267

---

**A RESOLUTION SETTING THE PROPERTY TAX REQUEST AND TAX LEVIES  
FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004**

---

**WHEREAS**, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the governing body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

**WHEREAS**, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

**WHEREAS**, it is in the best interest of the City that the property tax request for the current year be a different amount than the property tax request for the prior year.

**NOW, THEREFORE**, the Governing Body of the City of Crofton, Nebraska, by a majority vote, resolves that:

1. The property tax request and levies for the fiscal year beginning October 1, 2004 for the General All Purpose Fund be set at \$81,883.00 or \$00.462784 per hundred of assessed value.
2. The budget of expenditures for the fiscal year beginning October 1, 2004 for the General All Purpose Fund be set at \$1,295,135.00.
3. The City Clerk shall certify and forward a copy of this Resolution to the County Clerk prior to October 13, 2004.

**PASSED AND APPROVED** this 15th day of September, 2004.

**CITY OF CROFTON, NEBRASKA**

ATTEST:



Nancy A Foxhoven  
CITY CLERK

Simon F. Walker  
MAYOR

**ORDINANCE NO. 268**

AN ORDINANCE TO ADOPT A CURRENT FLOOD HAZARD BOUNDARY/FLOOD INSURANCE RATE MAP BY AMENDMENT TO EXISTING FLOOD PLAIN REGULATIONS TO INCORPORATE ADDITIONAL REQUIREMENTS OF NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA, as follows:

**WHEREAS**, on September 1, 1986, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) identifying the Special Flood Hazard Areas (SFHAs) in the City of Crofton, Knox County, Nebraska; AND

**WHEREAS**, on September 30, 2004 FEMA completed a re-evaluation of the flood hazard boundaries of City of Crofton and the City was provided with preliminary copies of the Flood Rate Insurance Map (FIRM) identifying existing flood hazards in the Crofton Community; AND

**WHEREAS**, the City of Crofton is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of NFIP regulations as published in Title 44 of the Code of Federal Regulations.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of Crofton, Knox County, Nebraska, that Chapter VIII, Article III - Floodway Regulations of the Codified General Ordinances of the City of Crofton be amended by insertion of the following section, to-wit:

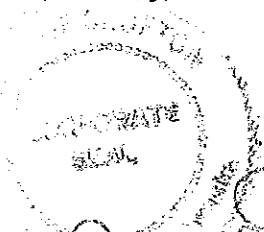
**SECTION 8-312:** The Mayor and the Council of the City of Crofton, Knox County, Nebraska hereby adopts as its official current flood hazard boundary map/flood insurance rate map the current effective Flood Insurance Study Report and FIRM to which these regulations shall apply together with any modifications made by the current revised map effective date August 18, 2005 or any federally enacted amendments or other modification

made by or to said map; all as required and specified in Paragraph 60.3(b) of the National Flood Insurance Program of Title 44 of the Code of Federal Regulations.

(a) Any other Ordinance or Section passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions; is hereby repealed.


(b) This Ordinance shall be in full force and effect from and after its final passage and publication as required by law.

ADOPTED AND PASSED by the Mayor and City Council of the City of Crofton, Knox County, Nebraska, this 1st day of August, 2005.



(SEAL)

  
Nancy A. Foxhoven, City Clerk

  
Vernon E. Wuebben, Mayor

**ORDINANCE NO. 269**

AN ORDINANCE TO ADOPT A CURRENT FLOOD HAZARD BOUNDARY/FLOOD INSURANCE RATE MAP BY AMENDMENT TO EXISTING FLOOD PLAIN REGULATIONS TO INCORPORATE ADDITIONAL REQUIREMENTS OF NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS; TO MEET STATE AND FEDERAL REQUIREMENTS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COMMUNITIES IDENTIFIED AS FLOOD PRONE BUT HAVE NOT RECEIVED DETAILED FLOOD INSURANCE STUDY INFORMATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

**WHEREAS**, on September 1, 1986, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) identifying the Special Flood Hazard Areas (SFHA's) in the City of Crofton, Knox County, Nebraska; AND

**WHEREAS**, on September 30, 2004 FEMA completed a re-evaluation of the flood hazard boundaries of City of Crofton and the City was provided with preliminary copies of the Flood Rate Insurance Map (FIRM) identifying existing flood hazards in the Crofton Community; AND

**WHEREAS**, the City of Crofton is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of NFIP regulations as published in Title 44 of the Code of Federal Regulations; AND

**WHEREAS**, the Legislature of the State of Nebraska has in Sections 31-1001 to 31-1022, R.R.S. 1943 assigned the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare.

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CROFTON, NEBRASKA**, that Chapter VIII, Article III - Floodway Regulations of the Codified General Ordinances of the City of Crofton and Ordinance No. 268 be amended as follows:

**SECTION 8-312: Designation of Current FHB/FIRM:** The Mayor and the Council of the City of Crofton, Knox County, Nebraska hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map dated August 18, 2005, and any revisions or federally enacted amendments or other modification made by or to said map, all as required and specified in Paragraph 60.3(b) of the National Flood Insurance Program of Title 44 of the Code of Federal Regulations, as the official map to be used in determining those areas of special flood hazard.

**SECTION 8-313: Flood Losses Resulting From Periodic Inundation:** The flood hazard areas of the City of Crofton, Nebraska are subject to inundation which results 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.

**SECTION 8-314: General Causes of the Flood Losses:** These flood losses are caused by (1) the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

**SECTION 8-315: 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 8-313 by applying the provisions of this ordinance to:

- 8-315.1** Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.
- 8-315.2** Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 8-315.3** Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 8-315.4** Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

**SECTION 8-316: Local Administrator Responsibilities:** The City Clerk hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Ordinance and all other Ordinances of the City of Crofton, Nebraska now in force, or hereafter adopted, related to zoning, subdivision or building codes.

**SECTION 8-317: Local Administrator Additional Responsibilities:** The City Clerk and Planning Commission shall be appointed to these additional responsibilities by

resolution of the Mayor and the Council of the City of Crofton, Nebraska and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the City Clerk, the Mayor and the Council of the City of Crofton, Nebraska shall designate an acting administrator.

**SECTION 8-318: Permits Required:** No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be bond without first obtaining a separate permit for development as defined in this Ordinance.

- 8-318.1** Within special flood hazard areas on the official map, separate floodplain development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- 8-318.2** To obtain a floodplain development permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every application shall:
- A.** Identify and describe the development to be covered by the floodplain development permit for which application is made.
  - B.** Described the land on which the proposed development 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 development.
  - C.** Indicate the use or occupancy for which the proposed development is intended.
  - D.** Be accompanied by plans and specifications for proposed construction.
  - E.** Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.
  - F.** Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of floodproofed non-residential structures, the elevation to which it shall be floodproofed. Documentation or certification of such elevations will be maintained by the City Clerk.
  - G.** Give such other information as reasonably may be required by the City Clerk (i.e., require a statement from the applicant that he/she/they is/are aware that elevating or floodproofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential floodproofing when a minus one foot (-1') penalty is assessed at the time of rating the structure for the policy premium.)

**SECTION 8-319: Development Permit Applications Review:** The City Clerk shall review all development 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.

**SECTION 8-320: All Applications Review (See Section):** The City Clerk in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 8-337 of this Ordinance will:

**8-320.1** Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study, and require within special flood hazard areas on the official map that the following performance standards be met:

- A. **That until a floodway has been designated:** -- No development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the 100-year flood more than one (1) foot at any location.
- B. **Residential Construction:** -- New construction or substantial improvement shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation.
- C. **Non-Residential Construction:** -- New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects 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 local administrator.
- D. **Require for all new construction and substantial improvements:** -- That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the



following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**8-320.2** Require the use of construction materials that are resistant to flood damage

**8-320.3** Require the use of construction methods and practices that will minimize flood damage.

**8-320.4** Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**8-320.5** New structures be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**8-320.6** Assure that all manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- A. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
- B. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
- C. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
- D. Any additions to manufactured homes be similarly anchored.

**8-320.7** Assure that all manufactured homes that are placed or substantially im-

proved within special flood hazard areas on the community's official map on sites:

- A. Outside of a manufactured home park or subdivision;
- B. In a new manufactured home park or subdivision;
- C. In an expansion to an existing manufactured home park or subdivision; or
- D. In an existing manufactured home park or subdivision on which a manufactured home has incurred "*substantial damage*" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 8-320.F.

**8-320.8** Assure that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's official map that are not subject to the provisions of Section 8-320.G be elevated so that either:

- A. The lowest floor of the manufactured home is at least one (1) foot above the base flood elevation; or
- B. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 8-320.F.

**8-320.9** Require that recreational vehicles placed on sites within the identified special flood hazard areas on the community's official map either (i) be on the site for fewer than one hundred eighty (180) consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this Ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect typed utilities and security devices, and has no permanently attached additions.

**SECTION 8-321: Subdivision Applications:** The Mayor and the Council of the City of Crofton, Nebraska shall review all subdivision applications and other proposed new developments (including manufactured home parks or subdivisions) and shall make findings of fact and assure that:

**8-321.1** All such proposed developments are consistent with the need to minimize flood damage.

- 8-321.2 Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in special flood hazard areas.
- 8-321.3 Adequate drainage is provided so as to reduce exposure to flood hazards
- 8-321.4 All public utilities and facilities are located so as to minimize or eliminate flood damage.

**SECTION 8-322: Water and Sewage Systems:** New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into, floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

**SECTION 8-323: Storage of Material and Equipment:** 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. 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 8-324: Flood-Carrying Capacity Within any Watercourse:** The Mayor and the Council of the City of Crofton will insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City of Crofton will notify, in riverine situations, adjacent communities and the State Coordinating Office (Nebraska Natural Resources Commission) prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency (FEMA). Moreover, the City of Crofton will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program (NFIP) in accordance with the National Disaster Protection Act (NDPA) of 1973.

**SECTION 8-325: Variance Procedures:**

- 8-325.1 The Planning Commission as established by the City of Crofton shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 8-325.2 The Planning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this Ordinance.

- 8-325.3** Any person aggrieved by the decision of the Planning Commission or any taxpayer may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
- 8-325.4** In passing upon such applications, the Planning Commission shall consider all technical evaluation, all relevant factors, standards specified in other sections of this Ordinance, and:
- A.** the danger that materials may be swept onto other lands to the injury of others;
  - B.** the danger to life and property due to flooding or erosion damage;
  - C.** the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - D.** the importance of the services provided by the proposed facility to the community;
  - E.** the necessity to the facility of a waterfront location, where applicable;
  - F.** the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - G.** the compatibility of the proposed use with existing and anticipated development;
  - H.** the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - I.** the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J.** the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - K.** the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

**SECTION 8-326: Conditions for Variances:**

- 8-326.1** Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (8-326.2-8-326.5 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 8-326.2** Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure

and the variance is the minimum necessary to preserve the historic character and design of the structure.

- 8-326.3** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 8-326.4** Variances shall only be issued 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 granting of a variance 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 laws or ordinances.
- 8-326.5** The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as *twenty-five dollars (\$25.00)* for *One Hundred Dollars (\$100.00)* of insurance coverage; and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

**SECTION 8-327: Nonconforming Use:**

- 8-327.1** 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:
- A.** 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 Mayor in writing of instances of nonconforming uses where utility services have been disconnected for a period of twelve (12) months.
  - B.** Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- 8-327.2** If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) 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 of 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 8-328: 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 *One Hundred Dollars (\$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. Nothing herein contained shall prevent the City of Crofton or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 8-329: Abrogation and Greater Restrictions:** It is not intended by this Ordinance to repeal, abrogate or impair any existent easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

**SECTION 8-330: 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.

**SECTION 8-331: 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 floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the City of Crofton 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.

**SECTION 8-332: 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.

**SECTION 8-333: Appeal:** Where a request for a permit to develop or a variance is denied by the Mayor the applicant may apply for such permit or variance directly to the Board of Appeals.

**SECTION 8-334: Compliance With the National Flood Insurance Program Regulations:** The regulations of this Ordinance are in compliance with the National

**SECTION 8-334: Compliance With the National Flood Insurance Program Regulations:** The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations (NFIPR) as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act.

**SECTION 8-335: Amendment of Ordinance:** The Mayor and the Council of the City of Crofton may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act (NFDPA) of 1973.

**SECTION 8-336: Conflicting Ordinances:** This Ordinance shall take precedence over conflicting Ordinances or parts of Ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance.

**SECTION 8-337: 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.

**"Base Flood"** means the flood having one percent (1%) chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

**"Development"** means 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.

**"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 either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

**"Expansion of Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on 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).

**"Flood"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters. (2) the unusual and rapid accumulation of runoff of surface waters from any source.

***"Flood Insurance Rate Map (FIRM)"*** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium applicable to the community.

***"Floodplain"*** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

***"Floodproofing"*** means any combination of structural and non-structured additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

***"Floodway"*** means the channel of the 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.

***"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 the 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 contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

***"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 Ordinance.

***"Manufactured Home"*** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

***"Manufactured Home Park or Subdivision"*** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***"New Construction"*** for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date



of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**"New 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 either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**"100-Year Flood"** means the condition of flooding having a one percent (1%) chance of annual occurrence.

**"Principally Above Ground"** means that at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

**"Recreational Vehicle"** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**"Regulatory Flood Elevation"** means the water surface elevation of the 100-year flood.

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.

**"Start of Construction"** [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means 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 state 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 excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory 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 the alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

**"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 percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstructions, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the 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 a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

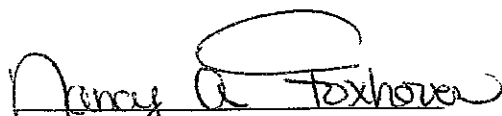
**"Variance"** means a grant of relief to a person from the terms of a floodplain management ordinance.


**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS FINAL PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

ADOPTED AND APPROVED by the Mayor and City Council of the City of Crofton, Knox County, Nebraska, this 13th day of September, 2005.

(SEAL)

  
Nancy A. Foxhoven, City Clerk

  
Vernon E. Wuebben, Mayor

