

Proposed by:	Administration
First Reading:	02/07/2008
Second Reading:	02/21/2008
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 08-06

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 15.10, BUILDING NUMBERING SYSTEM AND CHAPTER 15.12, FLOOD ZONE LAND USE TO ADDRESS THE CHANGE IN STATUS FROM CITY TO BOROUGH GOVERNMENT.

WHEREAS, Amendments are required to address the change in status from city to borough government; and

BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Chapter 15.10, Building Numbering System and Chapter 15.12, Flood Zone Land Use, to address the transition from city to borough government. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code as follows:

Section 3. Amendment. Chapter 15.10, Building Numbering System and Chapter 15.12, Flood Zone Land Use are hereby amended as follows

Chapter 15.10 BUILDING NUMBERING SYSTEM

Sections:

- 15.10.010 Building numbering system.**
- 15.10.020 Applicability and compliance.**

15.10.010 Building numbering system.

The NS-EW rectangular grid survey, as depicted on the city **borough** maps, is the basis for establishing of the city's **municipality's** site-numbering system. The base lines for designation of N - S and E - W numbering series are First Avenue and Spring Street, respectively.

- A. East-West Avenues, Numbering Series. Buildings located on avenues shall be numbered from east to west. All buildings east of Spring Street shall be assigned numbers in the 100 series; buildings between Spring Street and Broadway Street shall be numbered in the 200 series; between Broadway and State in the 300 series; between State and Main in the 400 series; between Main and Alaska in the 500 series; and west of Alaska Street in the 600 series. Buildings located on the south side of avenues shall be assigned odd numbers and buildings on the north side even numbers.
- B. North-South Streets, Numbering Series. Buildings located on streets shall be numbered from south to north. Buildings between First and Second Avenue shall be numbered in the 100 series; between Second and Third in the 200 series through between 22nd and 23rd Avenues, in the 2200 series. Buildings on the east side of the streets shall be assigned even numbers, and buildings on the west side odd numbers.
- C. Buildings Located South of First Avenue. Buildings located to the south of First Avenue shall be assigned the series number, prefixed by the word "South," which would pertain if the street or avenue block grids were extended.

Chapter 15.12
FLOOD ZONE LAND USE

Sections:

- 15.12.010 Findings of fact and statement of purpose.
- 15.12.020 Land use permit/building permits.
- 15.12.030 Application.
- 15.12.040 Protection against flood damage.
- 15.12.050 Subdivision and utility regulations.
- 15.12.060 Implementation.
- 15.12.070 Variances.
- 15.12.080 Definitions.
- 15.12.090 Disclaimer of liability.

15.12.010 Findings of fact and statement of purpose.

- A. Areas within the city Municipality of Skagway are periodically 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.
- B. Areas within the city municipality have been designated as flood-prone, pursuant to Section 201 of the Flood Disaster Protection Act of 1973, by issuance of a Flood Hazard Boundary Map (FHBM), effective March 1, 1977 (see Section 15.12.080 for definitions), at which time the City of Skagway was required to join the National Flood Insurance Program to make flood insurance and federal and federally regulated financial assistance available to the residents within the flood-hazard areas.
- C. The purpose of this chapter is to promote the public health, safety and general welfare, to minimize those losses described in subsection A of this section, and to meet the requirements for participation in the National Flood Insurance Program. To accomplish this purpose, it is the intent of this chapter to:
 - 1. Establish a land use permit system;
 - 2. Require that land uses vulnerable to floods, including public facilities and utilities which serve such uses, be protected against flood damages at the time of initial construction or substantial improvement;
 - 3. Restrict or prohibit land uses which are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocity; and
 - 4. Insure that subdivision and development of land within the city municipality is consistent with the need to minimize flood hazards.

15.12.020 Land use permit/building permits.

No person shall construct, substantially improve or relocate a structure within the city municipality without first securing from the planning and zoning commission a land use permit/building permit for such structure.

15.12.030 Application.

- A. Application for a land use permit for such structure shall be filed with the city borough clerk, and shall be accompanied by a fee as established by the city ~~council~~ borough assembly by resolution. The application for a permit shall be made on a form furnished by and returned to the clerk.
- B. The information furnished in the application shall include, but is not limited to:
 - 1. The name and address of the owner of the structure(s) which is or will be located;
 - 2. A legal description of the tract;
 - 3. A statement of the following elevations with respect to mean sea level:

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- a. The ground elevation before and after site preparation,
- b. Project first-floor elevation of all structures,
- c. The basement floor elevation, if applicable,
- d. Elevation of the regulatory flood, if applicable;
4. A list of any additional permits required by state or federal law before construction may begin, indicating the responsible agency and for what the permit was issued. At a minimum, this includes the Alaska Department of Fish and Game, the Alaska Department of Natural Resources, and the U.S. Army Corps of Engineers, Alaska District;
5. If the structure is located in a flood-hazard area, information which demonstrates that the structure will be adequately protected against flood damage and that the structure or site preparation will not adversely affect flood elevations or velocities.

15.12.040 Protection against flood damage.

- A. Within Zone A (0-99) flood-hazard areas, as identified on the city's ~~city's~~ **municipality's** Flood Hazard Boundary Map, no land use permit shall be approved by the planning and zoning commission unless all of the following requirements are satisfied.
 1. Any new or substantially improved structure shall be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.
 2. Construction materials and utility equipment that are resistant to flood damage and construction practices and methods that will minimize flood damages shall be utilized.
 3. Construction or substantial improvement shall not be permitted unless the applicant demonstrates that any associated new or replacement water supply system and sanitary sewage system, including on-site systems, will be designed and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. All systems shall be flood proofed at least to the regulatory-flood water surface elevation.
 4. The lowest floor, including basement, of any new residential construction, and substantial improvements to residential structures shall be elevated to a minimum of one (1) foot above the regulatory-flood water surface elevation, provided that the required regulatory-flood water surface elevation data is available from any appropriate source and can reasonably be used.
 5. The lowest floor of new construction and substantial improvements of nonresidential structures shall be elevated at a minimum of one (1) foot above the regulatory-flood water surface elevation or, together with attendant utility and sanitary facilities, shall be flood proofed to one (1) foot above the regulatory-flood water surface elevation, provided that the required regulatory-flood water surface elevation data is available from any appropriate source and can reasonably be used.
 6. Mobile homes shall have ground anchors for tie-downs required in accordance with standards determined by the Federal Insurance Administration. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty feet (50') 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 mobile homes less than fifty feet (50') long requiring four (4) additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - d. Any additions to the mobile home be similarly anchored.
 - (i) The fact that the mobile home is being located in a floodplain area having special flood hazards shall be disclosed to the mobile home and/or lot purchaser or lessee in the

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purchase contract, deed or lease; and an evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Division of Emergency Services and the Department of Military Affairs.

- B. Pursuant to subsection A of this section, the council may require, as appropriate, flood damage control measures such as the following:
1. Installation of watertight doors, bulkheads and shutters, or similar methods of closure;
 2. Reinforcement of walls to resist water pressures;
 3. Use of paints, membranes or mortars to reduce seepage of water through walls;
 4. Addition of mass or weight to structures to resist flotation;
 5. Installation of pumps to reduce water levels in structures;
 6. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures;
 7. Building design and construction to resist rupture or collapse caused by water pressure or floating debris;
 8. Location and installation of all electrical equipment, circuits, appliances and heating systems so that they are protected from inundation by the regulatory flood;
 9. Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare; or design of such facilities to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters;
 10. Use of materials such as sheathing, siding, subflooring and underlayment that are not subject to water damage due to prolonged submersion below regulatory flood level;
 11. Use of closed-cell insulation to prevent waterlogging and consequent loss of insulation ability below the regulatory flood level;
 12. Oil storage tanks located outside the structure and anchored to prevent disturbance by floodwater. Tanks should be placed upon and secured to a concrete slab of sufficient mass to prevent flotation. In the calculation of required anchorage, little recognition should be given to shear or friction value of the soils, as they will be substantially reduced due to saturation. Both fill and vent pipes should extend above the expected high water level;
 13. Installation of a backwater valve in sewer lines in an accessible location immediately adjacent to the exterior foundation wall.
- C. When the Federal Insurance Administration (FIA) has provided a notice of final base flood elevations on the Flood Insurance Rate Map (FIRM) for the city municipality, but has not identified a regulatory floodway or coastal high-hazard area, where applicable, the city municipality shall, in addition to the requirements of subsections A and B of this section, and Section 15.12.050 of this chapter:
1. Require that where floodproofing is utilized for a particular structure, either:
 - a. A registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the community, or
 - b. A certified copy of a local regulation containing detailed floodproofing specifications which incorporate standard, accepted watertight performance standards shall be submitted to the FIA for approval;
 2. Require within Zones A1 - 30 as designated on the FIRM for the city municipality for new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or

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- improvement has commenced; and for all mobile homes to be placed within Zones A1 - 30 on the FIRM but not into a mobile home park or mobile home subdivision, that:
- a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - b. Adequate surface drainage and access for a hauler are provided; and
 - c. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soils no more than ten feet (10') apart, and reinforcement is provided for pilings more than six feet (6') above the ground level;
3. Require with any A0 zone on the FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the FIRM;
4. Require within any A0 zone on the FIRM that all new construction and substantial improvements of nonresidential structures:
- a. Have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the FIRM, or
 - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level 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;
5. Require within any A99 zones on the FIRM the standards of subsections A, B4 and B5 of Section 15.12.040, and the procedures of Section 15.12.060 of this chapter be met;
6. Require, until a regulatory floodway is designated, that no new construction, substantial improvements or other development, including fill, be permitted within Zones A1 - 30 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. It shall be the responsibility of the applicant to demonstrate that this requirement will be fulfilled.
- D. When the FIA has provided data from which the city municipality shall designate its regulatory floodway, the city municipality shall:
1. Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot (1') at any point;
 2. Prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge;
 3. Prohibit the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, within the adopted regulatory floodway.
- E. When FIA has also identified on the community's FIRM Zones V1 - 30 (coastal high-hazard area) the city municipality shall:
1. Require that all new construction within Zones V1 - 30 on the FIRM be located landward of the reach of mean high tide;
 2. Provide:
 - a. That all new construction and substantial improvements within Zones V1 - 30 on the FIRM are elevated on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level,

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- b. That a registered professional engineer or architect certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and storm wave-wash,
- 3. Provide that all new construction and substantial improvements within Zones V1 - 30 on the FIRM have the space below the lowest floor free of obstructions, or be constructed with "breakaway walls" intended to collapse under stress due to abnormally high tides or wind-driven water without jeopardizing the structural support of the structure. Such temporarily enclosed space shall not be used for human habitation;
- 4. Prohibit the use of fill for structural support of buildings within Zones V1 - 30 on the FIRM;
- 5. Prohibit the placement of mobile homes, except in existing mobile home parks and mobile home subdivisions, within Zones V1 - 30 on the FIRM.
- F. When the FIA has delineated Zone E (flood-related erosion hazard area) on the FIRM, the city **municipality** shall:
 - 1. Require the issuance of a permit for all proposed construction, or other development in the area of flood-related erosion hazard, as it is known to the community;
 - 2. Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazard;
 - 3. If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measure to be taken which will not aggravate the existing erosion hazard;
 - 4. Require a setback for all new development from the ocean, lake, bay, riverfront or other body of water, to create a safety buffer. This buffer will be designated by the FIA according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land.

15.12.050 Subdivision and utility regulations.

- A. The platting board shall deny permission to subdivide land within flood-hazard areas unless the following requirements have been fulfilled:
 - 1. The land subdivision and associated development are consistent with the need to minimize flood damages;
 - 2. All public utilities and facilities such as sewer, gas, electrical and water systems, shall be located, elevated or constructed to minimize or eliminate flood damage;
 - 3. Adequate drainage shall be provided to reduce the exposure of structures, utilities and facilities to flood hazards;
 - 4. Evidence has been submitted that all necessary permits required by state or federal law have been applied for and granted. At a minimum, this includes the Alaska Department of Fish and Game, the Alaska Department of Natural Resources and the U.S. Army Corps of Engineers, Alaska District;
 - 5. The preliminary and final plat shall include the ground elevation and the regulatory flood elevation, if available, at convenient reference points;
 - 6. The flood-hazard area, if identified, shall be labeled "Flood Hazard Area" on preliminary and final plats. The fact that a lot is in the flood-hazard area shall be disclosed in any contract to purchase, rent or lease the lot.
- B. All new or replacement water supply systems and sanitary sewage systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- C. All new or replacement public utilities such as gas, electric and telephone systems shall be designed or constructed to eliminate disruptions due to flooding and associated hazards.

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- D. In determining if the requirements of this section are fulfilled, the platting board shall consider the intent of this chapter and at least:
1. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, structures and intended uses;
 2. The danger that structures may be swept into other lands or downstream to the injury of others;
 3. The adequacy of proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions;
 4. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
 5. The requirements of the subdivision for a waterfront location;
 6. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
 7. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
 8. The relationship of the proposed subdivision to the comprehensive plan and floodplain management program for the area;
 9. The safety of access to the property for emergency vehicles in times of flood;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;
 11. 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;
 12. The installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwaters into buildings or structures.

15.12.060 Implementation.

- A. Permits issued pursuant to this chapter shall conform to all other applicable codes or regulations as are from time to time established or amended; however, this chapter shall control in the event of any conflict unless specifically stated otherwise or unless the conflicting provision is more restrictive.
- B. The ~~city~~ **borough** clerk shall be responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information shall include but not be limited to:
1. Floor elevations of all new or substantially improved structures located in the flood-hazard area, and whether or not such structures have basements;
 2. Elevations to which structures are floodproofed;
 3. Flood-hazard boundary maps;
 4. Flood insurance rate maps;
 5. Any reports or studies on flood hazards in the community, such as written by the Corps of Engineers, United States Geological Survey or private firms;
 6. A copy of the annual report;
 7. A file of all land use permit applications, supporting documentation, and the council's action.
- C. The ~~city~~ **municipality** shall file with the Federal Insurance Administration an annual report on forms provided by the Federal Insurance Administration. This annual report shall be verified and signed by the mayor. A copy of the annual report shall be retained by the ~~city~~ **municipality** and one (1) copy shall be sent to the State Coordinating Agency.

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- D. In case any structure is constructed or substantially improved in violation of this chapter, the ~~city~~ municipality, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.
- E. The ~~city~~ municipality is hereby authorized to enter into contracts and agreements with other government entities for the purpose of implementing the provisions of this chapter.
- F. The ~~city~~ municipality must notify adjacent communities, the State Coordinating Agency and the Federal Insurance Administration prior to altering or relocating any watercourse.
- G. Prior to enactment of any changes in this chapter due to changes in the flood-hazard area as a result of natural or man-made causes, such changes shall be reviewed by the State Coordinating Agency and approved by the Federal Insurance Administration.
- H. The ~~city~~ municipality must notify the Federal Insurance Administration of any changes in the ~~city's~~ municipality's boundaries or authority to regulate land uses.
- I. Nothing in this chapter shall be construed as applying to any structures existing prior to the effective date of the ordinance codified in this chapter unless they are substantially improved after such effective date.

15.12.070 Variances.

- A. Variances from the requirements of this chapter may be granted by the ~~city council~~ borough assembly, but only if the following conditions are met:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- B. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.
- C. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. The planning and zoning commission shall notify the applicant in writing that:
 - 1. The issuance of a variance to construct a structure below the 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;
 - 2. Such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in this section.
- E. The ~~city~~ borough clerk shall:
 - 1. Maintain a record of all variance actions, including justification for their issuance;
 - 2. Report such variances issued in its annual report submitted to the FIA.
- F. Variances may be issued by the ~~city~~ municipality for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

15.12.080 Definitions.

- A. "Coastal high-hazard area" means the area subject to high-velocity waters due to wind, tidal action, storm, tsunami, or any similar force, acting singly or in any combination,

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resulting in a wave or series of waves of sufficient magnitude, velocity or frequency to endanger property and lives.

- B. "Federal Insurance Administration (FIA)" means the division of the Federal Emergency Management Agency which is responsible for administration of the National Flood Insurance Program.
- C. "Flood-hazard area" includes all the area within the corporate limits subject to the one-hundred (100) year flood, as delineated on the Flood Hazard Boundary Map or the Flood Insurance Rate Map for the city municipality published by the Federal Insurance Administration; "Flood-hazard area" includes the coastal high-hazard area where applicable.
- D. "Flood Hazard Boundary Map (FHBM)" means a map of the municipality issued by the Federal Insurance Administration which delineates the area subject to the one-hundred (100) year flood. This area is identified as the "Special Flood Hazard Area" on the map.
- E. "Flood Insurance Rate Map (FIRM)" means the map of the municipality issued by the Federal Insurance Administration which delineates the area subject to the one-hundred (100) year flood, the water surface elevation of the one-hundred (100) year flood, and the flood insurance rate zones.
- F. "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash-flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- G. "One-hundred (100) year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred (100) years.
NOTE: It is possible for this size flood to occur during any year. The odds are one (1) to one hundred (100) that this size flood will occur during a given year; there is a one percent (1%) chance that a flood will occur each year. Statistical analysis of available streamflow or coastal storm records, or analysis of rainfall and runoff characteristics of the watershed, or coastal topography and storm characteristics are used to determine the extent and depth of the one-hundred (100) year flood.
- H. "Regulatory flood" is the one-hundred (100) year flood. The water surface elevations of the Regulatory Flood are calculated for use in producing the Flood Insurance Rate Map.
- I. "Structure" means a walled and roofed building constructed for the support, shelter or enclosure of persons, animals, goods or property of any kind. The term also includes liquid or gas storage containers, and mobile homes and modular units.
- J. "Substantially improved" means any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the property either:
 - 1. As such value exists before the improvement is started; or
 - 2. If the property has been damaged and is being restored, as such value existed before the damage occurred.

15.12.090 Disclaimer of liability.

The grant of a land use permit or approval of a subdivision plan in the flood-hazard area shall not constitute a representation, guarantee or warranty of any kind by the city municipality or any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the city municipality, its officials or employees.

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Section 4. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 21st day of February, 2008.

Thomas D. Cochran, Mayor

ATTEST:

Marjorie D. Harris, Borough Clerk

(SEAL)