CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. ____O-24-2 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn, by request

ORDINANCE

AMENDING CHAPTER 14, ARTICLE 5, PART 1, SECTION 4 AND 9, A PORTION OF FLOOD HAZARD AND DRAINAGE CONTROL TO REPLACE FEMA ZONES DESIGNATIONS WITH FEMA DESIGNATED 100-YEAR FLOODPLAIN, REPLACE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 TO VERTICAL DATUM OF 1988 (NAVD 88) OR OTHER DATUM ADOPTED BY FEMA; AMENDING CHAPTER 14, ARTICLE 5, PART 1, SECTION 8, 9 AND 11, TO INCLUDE MECHANICAL EQUIPMENT; AMENDING CHAPTER 14, ARTICLE 5, PART 2, SECTION 15 TO CHANGE THE APPEAL DEADLINE FROM 30 DAYS TO 15 DAYS AND AMENDING THE HEARING TO BE CONDUCTED NOT EARLIER THAN 15 DAYS AND NOT LATER THAN 45 DAYS VERSUS NOT EARLIER THAN 10 DAYS AND NOT LATER THAN 30 DAYS; AMENDING CHAPTER 14, ARTICLE 5, PART 2, TO INCLUDE A NEW SECTION 18 SENSITIVE LANDS.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Section 14-5-1-1 ROA 1994, is amended to read:

“§ 14-5-1-4 DEFINITIONS. For the purpose of §§ 14-5-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELEVATED BUILDING. A nonbasement building built, in the case of a building in a FEMA-designated 100-year floodplain to have the top of the elevated floor elevated above the ground by means of pilings, columns, (posts and piers), or shear walls parallel to the flow of the water, and

adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a FEMA-designated 100-year floodplain, ELEVATED BUILDING also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National American Vertical Datum of 1988 (NAVD 88) or other datum adopted by FEMA, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

WATER SURFACE ELEVATION. The height, in relation to the National American Vertical Datum of 1988 (NAVD 88) or other datum adopted by FEMA, for floods of various magnitudes and frequencies in the floodplains of riverine areas.

('74 Code, § 7-3-4) (Ord. 99-1981; Am Ord. 77-1983; Am. Ord. 66-1987)

§ 14-5-1-8 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION. In all areas of special flood hazards the following standards are required:

(B) Construction Materials and Methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) All new construction or substantial improvements shall be constructed with electrical, mechanical, heating, plumbing, ventilation, 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.

§ 14-5-1-9 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards where base flood elevation data have been provided as set

forth in § 14-5-1-6 or in § 14-5-1-7(B)(2), the following standards are required:

(A) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement and mechanical equipment) elevated to a minimum of one foot above the base flood elevation. A registered professional engineer or land surveyor shall submit a certification to the Floodplain Administrator [i.e., the Administrator] that the standard of this division as proposed in § 14-1-8 is satisfied.

(B) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement and mechanical equipment, elevated a minimum of one foot above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a professional engineer that the standards of this division (B) are satisfied. Such certifications shall be provided to the official [i.e., the Administrator] as set forth in § 14-5-1-7 (B)(3).

(D) Manufactured Homes.

(1) Require that all manufactured homes to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes and mechanical equipment must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) All manufactured homes shall be in compliance with division (A) of this section.

(3) Require that all manufactured homes to be placed or substantially improved within FEMA designated 100-year floodplains on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home and mechanical equipment is a minimum of one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of division (1) above.

('74 Code, § 7-3-7B) (Ord. 99-1981; Am. Ord. 77-1983; Am Ord. 66-1987)

§ 14-5-1-11 STANDARDS OF AREAS OF SHALLOW FLOODING (AO AND AH ZONES).

Located within the areas of special flood hazard established in § 14-5-1-6 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(A) All new construction and substantial improvements of residential structures have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(B) All new construction and substantial improvements of nonresidential structures must:

(1) Have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

PART 2: DRAINAGE CONTROL

§ 14-5-2-15 APPEALS; TECHNICAL STANDARDS COMMITTEE.

(A) Any applicant aggrieved by a decision as to actions provided for in §§ 14-5-2-6, 14-5-2-12 and 14-5-2-13 of the City Engineer or absence of such decision, may appeal such decision to the Technical Standards Committee of the City. Such appeal shall be made by notice of appeal in writing addressed to the Chairperson of the Technical Standards Committee and delivered to the office of the City Engineer within fifteen (15) calendar days after the date the decision was mailed to the applicant. The Chairperson of the Technical Standards Committee shall notify the applicant and the City Engineer of the date, time, and place of the appeal hearing at least five days prior to the hearing date. Such hearing shall be conducted not earlier than fifteen (15) calendar days nor later than forty-five (45) calendar days after the filing of the notice of appeal. At the hearing, the Technical Standards Committee may consider such facts, exhibits, and engineering principles as may be presented by the appellant or the City Engineer or his or her designee, or of which the members may have knowledge or experience, and may affirm, reverse or modify the decision appealed from, and attach as conditions to their decision such requirements as in their opinion may be necessary or appropriate in compliance with the policies of §§ 14-5-2-1 et seq. to safeguard persons and property from stormwater runoff. Each decision of the Technical Standards Committee shall be in writing and shall state reasons therefore. A copy of the decision shall be promptly mailed to the applicant and to the City Engineer.

(B) The City Engineer or applicant aggrieved by any decision of the Technical Standards

Committee may appeal such decision to the City Council. Such appeal shall be requested by notice of appeal in writing addressed to the President of the City Council and delivered to the office of the City Council within fifteen (15) calendar days after the date a copy of the decision was mailed to the applicant. Such appeal shall be heard after notice at the first available meeting of the City Council. The City Council may affirm, reverse, or modify the decision of the Technical Standards Committee.

(C) There is hereby created a Technical Standards Committee, consisting of five members who shall be appointed by the Mayor with the advice and consent of the City Council, and who shall serve without pay. Two members shall serve for a term ending August 1, 1983, one member shall serve for a term ending August 1, 1984, and two members shall serve for terms ending August 1, 1985. Subsequent terms shall be for three years. Four of such members shall be registered in this state as professional engineers, be competent in the science of surface water hydrology, and have experience in solving surface drainage problems. The members shall select one member to serve as Chairperson, and their decisions shall be by majority vote of the members attending a hearing. A quorum shall consist of three members. The Technical Standards Committee shall hear and determine all appeals as provided by this section. The Committee may from time to time recommend modifications of §§ 14-5-2-1 et seq. to the Mayor. The City Engineer shall provide such facilities, supplies, and services, including postage, stationery and secretarial assistance, as may be required by the Committee.

('74 Code, § 7-9-15) (Ord. 63-1982; Am. Ord. 89-1989; Am. Ord. 2013-016 <http://files.amlegal.com/pdffiles/AlbuqOrds/O-2013-016.pdf>)

§ 14-5-2-18 SENSITIVE LANDS.

No site clearing, grubbing, and/or dirt work are permitted prior to the approval of a site plan if a Sensitive Lands Analysis necessitates a Site Plan - EPC approval per IDO Section 14-16-5-2(C).

Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 3. COMPILATION. Section 1 of this ordinance shall be incorporated in

and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.