

City of Dyer, Arkansas
Resolutions and Ordinances
Adopted by the City Council

2018-06-26-02 - Ordinance - Wastewater System

Amending Ordinances 08-21-00-1 and 03-18-03

2018-06-26-03 - Ordinance - Amending Flood Damage Prevention Code (03/16/2009)

2018-10-23 - Resolution - Clean-Up Liens

ORDINANCE NO. 2018-06-26-2
CITY OF DYER, CRAWFORD COUNTY, ARKANSAS

AN ORDINANCE TO AMEND ORDINANCE NOS. 08-21-00-1 AND 03-18-03 IN THEIR ENTIRETY IN ORDER TO PROVIDE FOR THE MANDATORY CONNECTIONS OF PROPERTIES WITHIN THE CITY OF DYER TO THE PUBLIC WASTEWATER SYSTEM, ESTABLISHING A CITY BOARD OF HEALTH, PROVIDING FOR OTHER REGULATIONS FOR THE USE OF THE PUBLIC WASTEWATER SYSTEM IN ORDER TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF DYER, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dyer owns and operates a Public Water System in order to provide for the health, safety and welfare of the citizens of the City of Dyer;

WHEREAS, on August 21, 2000 the City Council of the City of Dyer adopted Ordinance No. 08-21-00-1 and on March 18, 2003, the City Council of the City of Dyer adopted Ordinance No. 03-18-03, both ordinance pertained to the mandatory connection of properties to the Public Wastewater System as set forth in Arkansas law;

WHEREAS, it has come to the attention of the City of Council of the City of Dyer that it is in the best interest of the continued health, safety and welfare of the citizens of the City of Dyer that Ordinance Nos. 08-21-00-1 and 03-18-03 be amended in their entireties in order to set forth rules and procedures through which properties shall connect to the Public Wastewater System, and other matters related thereto; and

WHEREAS, it is further found by the City Council of the City of Dyer that the public health shall be promoted by these rules and regulations contained hereinunder.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS:

1. Unauthorized Connections. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the approving authority. No permit shall be issued to allow any person to connect his or her property to the sewer until the appropriate connection fees and costs, as may be amended or charged from time to time, are paid.
2. Public Sewer Use.
 - a. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city limits or in any area under the jurisdiction of the city,

any sewerage, human or animal excrement, garbage or other objectionable waste.

- b. It shall be unlawful to discharge to any natural outlet within the city limits or in any area under the jurisdiction of the city, any sanitary sewerage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance and all applicable state and federal laws and regulations.
 - c. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water to any sanitary sewer. Any existing discharge of such waters into sanitary sewers shall be immediately discontinued.
 - d. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city, to a storm sewer or natural outlet provided that all state and federal laws and regulations are met.
3. Costs and Expenses. All costs and expenses incident to the evaluation of a permit application and the issuance of a permit, and connection of a building, house or structure to the public sewer or appurtenance thereof, shall be paid by the owner. The owner shall indemnify the city from any loss or damage that may directly be occasioned by the installation of the building sewer.
 4. Separate Connection. A separate an independent connection to the public sewer shall be provided for every building, house or structure except where multiple units are constructed in an apartment complex, condominium, duplex, triplex or similar type building, house or structure on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels. Such individual buildings, houses or structures may be connected to a collector building sewer, provided that only one person or entity is responsibility for maintenance of the building sewer. All costs required for the provision of a separate sewer connection required herein, or otherwise, shall be at expenses of the owner or user, and not the city.
 5. Building and Plumbing Codes. The connection of a building, house or structure to the public sewer shall conform to the building and plumbing codes adopted or in effect by the City of Dyer, shall be gastight and watertight and must be approved by the designee of the City of Dyer prior to any connection to the public sewer.
 6. Connection to Public Sewer Required.

- a. All owners of any buildings, houses or structures used for human occupancy, employment, recreation or use for which water and sewer facilities are necessary or required, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, shall install suitable toilet and sewer facilities therein, at the owner's sole expense, and connect, at the owner's sole cost and expense, such facilities to the public sewer within thirty (30) days of receipt of written Notice to Connect to Public Sewer from the city to do so, provided that the city's public sewer is within 300 feet of the owner's property line.
 - b. Any property owner or user desiring to dispute the written Notice to Connect to Public Sewer from the city must file a written dispute with the City Recorder's office setting forth in detail the basis of the dispute within thirty (30) days of the date of the Notice. Upon filing of the written dispute with the City Recorder's office, the matter shall be placed on the agenda of the next regular City Council meeting for an administrative hearing on the matter. The determination of this administrative hearing shall constitute a final administrative decision of the city.
7. City Board of Health. The Mayor of the City of Dyer and the City Council of the City of Dyer is hereby designated as the City Board of Health pursuant to Ark. Code. Ann. 14-262-102(b)(1), with the power to ascertain whether improved and occupied property which is not connected to the municipal sanitary sewer system, but can be served thereby, has adequate sanitary facilities so that the public health is not impaired because of the failure to connect the properties to the municipal sanitary system.
8. Injunctive Relief. When the City Council/City Board of Health finds that a person has violated (or continues to violate) any provision of this ordinance, a permit, or order issued hereunder, the city may petition an appropriate court for the issuance of a temporary or permanent injunction to restrain or compels the specific performance of the permit, order, or other requirement imposed by this ordinance. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user or owner to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
9. Administrative Fines.
 - a. When the city finds that a user has violated or continues to violate any provision of this ordinance, a permit or order issued hereunder, the city may fine such user in an amount not to exceed One Thousand Dollars

(\$1,000.00). Such fines shall be assessed on a per violation, per day basis. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- b. Any property owner or user desiring to dispute such charges must file a written dispute with the City Recorder's office setting forth in detail the basis of the dispute within thirty (30) days of the date of the written charge. Upon the filing of a written dispute with the City Recorder's Office, the matter shall be placed on the agenda of the next regular City Council meeting for an administrative hearing on the matter. The determination of this administrative hearing shall constitute a final administrative decision of the city.
- c. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10. Civil Penalties.

- a. A user which has violated or continues to violate any provision of this ordinance, a permit, or order issued hereunder shall be liable to the city for a maximum civil penalty of One Thousand Dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of violation.
- b. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11. Water Service Discontinuance.

- a. A user which has violated or continues to violate any provision of this ordinance, a permit, or order issued hereunder shall be subject to the discontinuance of water service pursuant to the procedures set forth by the applicable ordinances of the City of Dyer.
- b. The discontinuance of a user's water service shall not be a bar against, or a prerequisite for, taking any other action against a user.

12. Remedies Non-Exclusive. The remedies provided for in this article are not exclusive. The city may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user, including but not limiting to, misdemeanor and felony fines and imprisonment when the circumstances warrant.

13. Severability. This ordinance shall take effect, and be in force and effect, from and after its passage, and that this Ordinance supersedes and replaces any other Ordinances in conflict herewith. In the event any one or more of the provisions contained in this ordinance shall for any reason be held by a court of jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.
14. Declaration of Emergency. It is hereby found and determined that this ordinance is necessary in order to preserve the safety of the City and its citizens. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

June
Passed and Approved by the City Council of the City of Dyer this 26 day of March, 2003, by a vote of 5 ayes and 0 nays.
2018

APPROVED:

Bill Moore

Mayor

ATTESTED:

Ann Heubrand

City Recorder/Treasurer

CITY OF DYER, ARKANSAS

ORDINANCE 2018-06-26-3

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AN ORDINANCE TO BE ENTITLED: “**AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION CODE FOR DYER, ARKANSAS, MARCH 16, 2009 AND FOR OTHER PURPOSES.**”

SECTION 1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Dyer, Arkansas, does hereby ordain as follows:

SECTION 2. FINDINGS OF FACT

- A. The City Council of Dyer, Arkansas, previously adopted the Flood Damage Prevention Code for Dyer, Arkansas March 16, 2009 with “freeboard” of two feet beyond the minimum required for compliance. Since adoption, this freeboard has caused significant hardship for the property owners and citizens of Dyer, Arkansas by increasing the costs for them to utilize the property in Dyer, Arkansas.

SECTION 3. STATEMENT OF PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas while balancing those purposes with reasonable and practicable use and development of the property within Dyer, Arkansas.

SECTION 4. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE.

The “Flood Damage Prevention Code for Dyer, Arkansas,” dated March 16, 2009 previously adopted by reference is hereby amended by deleting the current Article 3 and substituting the following language:

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new and substantial construction or substantial improvements shall 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;
2. **All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;**
3. **All new construction or substantial improvements shall be constructed with materials resistant to flood damage;**
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection standards** or located outside the SFHA.
5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
6. For the purposes of this Code, all **mixed-use structures** are **subject to the more stringent requirements of residential structures**.
7. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.**

9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage**. For the purposes of this requirement, manufactured homes 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. Screw augers or expanding anchors will not satisfy the requirement of this provision.
10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** 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 below the base flood elevation 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:
 - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either

- (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
 - (b) meet all provisions of this Code applicable to manufactured home structures.
17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

(1) In AE Risk Zones: Special Flood Hazard Areas with base floods determined

- a) **For Residential Structures in Zone AE:**
 - 1. For all new residential structures, the top surface of the lowest floor must have an elevation above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

b) For Nonresidential Structures in Zone AE:

1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated above the base flood level or
 - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below the base flood 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.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
1. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
2. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) **For Manufactured Homes in Zone AE:**

1. All manufactured homes that are placed or substantially improved 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 a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is 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 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

- d) **Where FEMA has not established a regulatory floodway in Zone AE,** no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.

(2) Floodways

High risk areas of stream channel and adjacent floodplain

- a) **Developments** in regulatory floodways are **prohibited, unless**
1. A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
 2. **All requirements of 44 CFR §65.12 are first met.**
- b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.
-

(3) In AH or AO Risk Zones: Special Flood Hazard Areas of shallow flooding

- a) **For Residential Structures in Zones AH or AO:**
1. All new residential structures must be constructed with the top surface of the lowest floor elevated above the published BFE, or above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

b) For Nonresidential Structures in Zones AH or AO:

1. All new commercial, industrial or other nonresidential structure must either:
 - a. have the top surface of the lowest floor elevated above the published BFE, or above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
 - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below above the published BFE in Zone AH, or above the base specified flood depth in an AO Zone, 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 of effects of buoyancy.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) For Manufactured Homes in Zones AH or AO:

1. All manufactured homes that are placed or substantially improved 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 a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated above the published BFE, above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph 1. of this section be elevated so that either:
 - a. the lowest floor of the manufactured home meets the elevation standard of paragraph 1., 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 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

- d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.
 - e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.
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(4) In "A" Risk Zones:

Special Flood Hazard Areas with no base flood elevations determined

- a) **In Zone A, The applicant or the applicant's agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
- b) **For Residential Structures in Zone A:**
 - 1. For all new residential structures, the top surface of the lowest floor must have an elevation above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- c) **For Nonresidential Structures in Zone A:**
 - 1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated above the base flood level or

- b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below the base flood 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.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

d) For Manufactured Homes in Zone A:

1. All manufactured homes that are placed or substantially improved 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 a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is 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 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.

A copy of the referenced code shall be filed in the office of the Floodplain Administrator and the office of the Mayor and shall be available for inspection and copying by any person during normal office hours.

SECTION 5. SEVERABILITY

If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

APPROVED: 
 Mayor

PASSED: 6-26-18
 (Date)

ATTEST: Simon Hubbard
Recorder/Treasurer

CERTIFICATION

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City Council of Dyer, Arkansas, at a regular meeting duly convened on June 26, 2018.

Recorder/Treasurer

CITY OF DYER, ARKANSAS

RESOLUTION NO. 2018-10-23

A RESOLUTION SECURING CLEAN-UP LIENS IN THE CITY OF DYER ARKANSAS PURSUANT TO ARK. CODE ANN. § 14-54-903.

SECTION 1: The City Council of the City of Dyer hereby directs the city attorney to secure clean-up liens on the following properties and to issue a notice of public hearing confirming the lien amounts:

James Croft, 324 Hwy. 64, Dyer, AR 72935
Ethan Beckham, 120 S. Main Street, Dyer, AR 72935
Tina Neill-Hatley, 231 W. Hancock Street, Dyer, AR 72935

SECTION 2: The City of Dyer abated nuisances and incurred costs abating nuisances in the following amounts:

324 Hwy. 64, Dyer, AR 72935	\$1,000.00
120 S. Main Street, Dyer, AR 72935	\$300.00
231 W. Hancock Street, Dyer, AR 72935	\$400.00

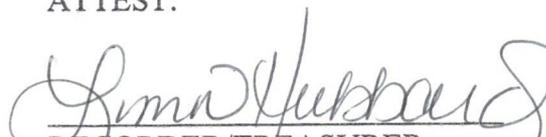
SECTION 3: The City of Dyer hereby provides notice that a public hearing to confirm lien amounts will be held before it on January 22, 2019, at 5:30 p.m. at Dyer City Hall, 305 Washington Street, Dyer, AR 72935.

PASSED AND APPROVED THIS 23 DAY OF OCTOBER 2018.

APPROVED:


MAYOR

ATTEST:


RECORDER/TREASURER