

## **SECTION 10: Flood Plain and Natural Watercourse Regulations**

10.1 **Purpose.** The following provisions of this Section 10 are promulgated in order to achieve the following purposes:

- (a) To lessen or avoid hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, so as to promote, preserve, protect and maintain the health, safety and general welfare of the people of the Village of Bull Valley;
- (b) To protect, preserve and properly maintain and use watercourses, marshes, water recharge areas and natural drainage systems which are subject to periodic flooding;
- (c) To protect stream channels from encroachment and to maintain the capacity of the flood plain to retain flood waters;
- (d) To provide for the development of flood plain lands with uses not subject to severe damage by flooding and to permit only uses and improvements on flood plain lands that are not hazardous during flood periods;
- (e) To protect the quality of watercourses, wetlands, waters, marshes, water recharge areas, underground reserves, beaches and natural drainage systems for their economic, recreational, aesthetic, conservation and other public uses and values, and to protect the county's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse or mismanagement;
- (f) To avoid the creation of new flood problems.

10.2 **Definitions.** The following definitions apply in this Section and in any other part of this ordinance or other ordinance, rule or regulation of the Village of Bull Valley:

10.2-1 **Flood Plain.** The contiguous area adjacent to a lake, pond, stream, or stream bed, the elevation of which is greater than the normal water level or pool elevation, but equal to or lower than the flood base elevation.

10.2-2 **Flood Base Elevation.** The elevation of the highest flood of record as set forth in the *Hydrologic Investigations Atlas*, Series HA-303 for the Bull Valley Quadrangle, as amended, and as published by the United States Geological Survey (herein referred to as the “official Flood Hazard Map”), which map and report are hereby adopted and by reference thereto incorporated herein.

10.2-3 **Flood Table Land.** The contiguous land area adjacent to the flood plain, the elevation of which is two feet or less above the flood base elevation.

10.2-4 **Erosion.** The wearing away of the land surface by the action of wind, water or gravity.

10.2-5 **Watercourse.** Any natural or artificial watercourse, stream, river, draw, creek, ditch, channel, canal, conduit, culvert, drain, waterway, swale, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and

which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood waters.

10.3 **Permitted Uses in Flood Plains.** The following uses are permitted of right in a flood plain, on condition that such use otherwise conforms to the provisions of the Zoning Ordinance:

10.3-1 Gardening.

10.3-2 Conservation of soil, vegetation, water, fish or wildlife.

10.3-3 Outdoor recreation, including play and sports areas, field trials, nature study, hiking, horseback riding, swimming, camping, boating, fishing.

10.3-4 Boat anchorage (excluding boat houses and anchorage for residential purposes of more than 72 consecutive hours), moorings and launch ramps.

10.3-5 Storage for a period not to exceed 14 cumulative days in any 30 day period of equipment and materials other than flammable liquids, caustics, acids, trash, scrap or junk or any other tangible personal property that is noxious, toxic or otherwise a threat to the public health.

10.3-6 Construction, repair and maintenance of underground electrical, natural gas, telephonic, sewer, drainage, water, or other utility facilities, so long as such facilities, or the construction, repair or maintenance thereof do not emit any materials or substances therefrom.

10.4 **Prohibited Uses.** Anything to the contrary in this or any other ordinance of the Village notwithstanding, any work, and all uses or activities other than those set forth in Section 10.3 is prohibited in a flood plain, on flood table land, within 10 feet beyond the outer limit of such flood table land, or in any watercourse, lake, stream, channel, wetland, marsh, or swamp within the Village of Bull Valley. Without limiting the generality of the foregoing, the following activities or uses are prohibited.

10.4-1 Development or erection of any building or other structure or portion thereof, or the structural modification, alteration or expansion of any existing building or other structure for residential, commercial, industrial or other use.

10.4-2 Placing or depositing, or permitting to be placed or deposited any fill, debris, junk, effluent or waste material, including but not limited to structures, building material and other tangible personal property other than as permitted under Section 10.3-5 above.

10.4-3 Digging, dredging, or in any way altering or removing any materials, soils or substances, including but not limited to the digging or deepening of any channels.

10.4-4 The construction of any culverts, docks, bridges, dams, bulkheads or boathouses.

10.4-5 The removal of natural vegetation so as to expose soil surfaces (including adjacent soil surfaces) to erosion, and such soil surfaces (including adjacent soil surfaces) and watercourses, lakes or ponds to sediment deposition thereof.

- 10.5 **Removal of Obstructions.** The Village Board of Trustees may remove or direct removal of any obstructions to natural and other water courses causing flooding of any part of the Village, whether such obstructions are located inside or outside the corporate limits, and for that purpose, after written notice to the owner at least 10 days prior thereto, may enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be occasioned thereby.
- 10.6 **Penalty:** Any person, firm or corporation violating this Section shall be fined \$75 to \$750 for each violation of any provision of this Section 10 and in accordance with Appendix A for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.