

ORDINANCE NO.: 2015-095

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Enacting Temporary Waiver of Five-Year Cumulative Period for Purposes of Determining Whether Substantial Improvements Have Been Made to a Structure for Flood Hazard Mitigation Purposes; Providing for Severability; Providing an Expiration Date; and Setting forth an Effective Date

WHEREAS, the City of Columbia has been severely and catastrophically affected by record levels of rain from the late evening hours of Saturday, October 3, 2015 through Tuesday, October 6, 2015; and,

WHEREAS, this catastrophic 1000 year rain event resulted in widespread flooding throughout the City of Columbia causing fatalities, injuries, dam breaches, washed out streets and bridges, the loss of homes and businesses, thousands of individuals to become homeless, and the loss of potable water and food supplies; and,

WHEREAS, the City activated the Emergency Operations Center (EOC) to provide communication and coordination of safety efforts to residents and to address the necessary clean up following the storm; and,

WHEREAS, the President of the United States, Barack Obama, at the request of South Carolina Governor Nikki Haley has declared a Major Disaster pursuant to 42 U.S.C. Section 5170 for the City of Columbia and the County of Richland; and,

WHEREAS, the Governor of the State of South Carolina Nikki Haley has declared a state of emergency for the State of South Carolina and activated the National Guard for assistance due to the rainfall and resulting flooding; and,

WHEREAS, the emergency situation created by the severe storms and resultant flooding during October 3, 2015 and immediately thereafter has resulted in a unique situation wherein damage to structures require immediate response and repair in order to ensure the protection of the health, safety and welfare of the citizens and businesses of the City of Columbia; and,

WHEREAS, S.C. Code Ann. §5-7-30 delegates to local governments the responsibility to adopt regulations designed to promote public health, safety, and general welfare of their citizens; and,

WHEREAS, the City has enacted flood damage prevention regulations for such purposes and to minimize public and private losses due to flood conditions in specific areas; and,

WHEREAS, the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Article III, Division 3 includes restrictions on and requirements for the building of "substantial improvements" to structures located in flood prone areas of the City of Columbia; and,

WHEREAS, the definition of "substantial improvements" under Columbia City Code §21-125 takes into account the cost of repairs, reconstruction, alterations and improvements made within the previous five (5) years, which may reduce the amount of repair work a homeowner or business owner affected by the flood would be allowed to do without having to comply with more stringent building regulations, such as anchoring the structure and/or raising the elevation of the structure; and,

WHEREAS, the City deems it in the best interest of its citizens to take all measures to expedite and assist homeowners and business owners affected by the floods to begin repairs and rebuilding and believes that temporarily waiving the five (5) year look back period would assist homeowners and business owners in doing this; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 15th day of December, 2015, that:

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1. For homeowners and business owners who sustained verified storm damage to their home or business, the determination of a "substantial improvement" under the 1998 Code of Ordinances of the City of Columbia, South Carolina Chapter 21, Article III, Division 3 shall not include the cost of any repairs, reconstruction, alteration or improvements to the structure within the previous five (5) years.

2. If any section, paragraph, sentence, clause and phrase of this Ordinance is severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

3. This Ordinance shall become effective immediately upon adoption and remain in effect for a period of six (6) months, at which time it shall have no further force or effect.

Requested by:

Mayor and City Council _____



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: 11/2/2015
Final Reading: 12/15/2015