Sixty-sixth Legislative Assembly of North Dakota

## **SENATE BILL NO. 2091**

Introduced by

**Energy and Natural Resources Committee** 

(At the request of the State Engineer)

- 1 A BILL for an Act to amend and reenact section 61-16.2-08 of the North Dakota Century Code,
- 2 relating to floodplain management community standards for permissible uses within the flood
- 3 fringe.

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## 4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 61-16.2-08 of the North Dakota Century Code is amended and reenacted as follows:
- 7 61-16.2-08. Community standards Permissible uses within flood fringe.
- Upon delineation of the floodplain or floodway under the national flood insurance program [42 U.S.C. 4001 et seq.], the following uses shall be permitted within the flood fringe to the extent that they are not prohibited by any other ordinance, regulation, or statute:
- 1. Any use permitted in the regulatory floodway pursuant to section 61-16.2-06.
- 12 2. Structures, including residential and nonresidential structures; provided, that:
  - a. Residential structures are constructed on fill such that the lowest floor, including basements, is elevated to at least one foot [30.48 centimeters] above the base flood elevation unless granted a residential basement floodproof exception under the national flood insurance program.
  - b. Nonresidential structures are either constructed on-fill as specified in subdivision a elevated to at least one foot [30.48 centimeters] above the base flood elevation or are adequately floodproofed up to an elevation no lower than two feet [.61 meter] above the base flood elevation. Such floodproofing shall be in accordance with the standards either adopted by the community under the national flood insurance program [42 U.S.C. 4001 et seq.] or under this chapter, whichever are more restrictive.