

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.

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
6 amended and reenacted as follows:

7 **61-16.2-08. Community standards - Permissible uses within flood fringe.**

8 Upon delineation of the floodplain or floodway under the national flood insurance program
9 [42 U.S.C. 4001 et seq.], the following uses shall be permitted within the flood fringe to the
10 extent that they are not prohibited by any other ordinance, regulation, or statute:

- 11 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:
 - 13 a. Residential structures are constructed ~~on fill~~ such that the lowest floor, including
14 basements, is elevated to at least one foot [30.48 centimeters] above the base
15 flood elevation unless granted a residential basement floodproof exception under
16 the national flood insurance program.
 - 17 b. Nonresidential structures are either constructed ~~on fill~~ as specified in
18 subdivision a elevated to at least one foot [30.48 centimeters] above the base
19 flood elevation or are adequately floodproofed up to an elevation no lower than
20 two feet [.61 meter] above the base flood elevation. Such floodproofing shall be
21 in accordance with the standards either adopted by the community under the
22 national flood insurance program [42 U.S.C. 4001 et seq.] or under this chapter,
23 whichever are more restrictive.