

Delegate Lawrence moves to amend the bill on page 1, line 23, by striking everything after the enacting section and inserting in lieu thereof the following:

1 **"CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

2 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

3 **§7-1-3v. Floodplain and mudslide area management; legislative**
4 **findings; power and authority; enforcement; fee for**
5 **floodplain permit; provisions cumulative.**

6 (a) The Legislature ~~hereby~~ finds and declares that it is
7 imperative that municipalities and counties in this state be fully
8 authorized and empowered to take all action necessary to comply
9 with the requirements of the National Flood Insurance Act of 1968
10 (Public Law 91-152), as amended by the Congress of the United
11 States through February 15, 1975; that municipalities presently are
12 vested with all statutory power and authority necessary in this
13 regard; and that the purpose of this section is to authorize and
14 empower the several counties of this state to comply with ~~such~~ the
15 requirements.

16 (b) As used in this section and section three-pp of this
17 article:

18 (1) "Act" means the National Flood Insurance Act of 1968
19 (Public Law 91-152), as amended ~~by the Congress of the United~~
20 ~~States through February 15, 1975;~~ and

21 (2) "Specified area or areas" means the area or areas
22 specified under ~~such~~ the act as a flood plain or mudslide area or

1 areas within which control over construction and improvements must
2 be exercised in order to comply with ~~such~~ the act.

3 (c) To the extent and only to the extent necessary to comply
4 with the eligibility requirements of and otherwise fully and in all
5 respects to comply with the requirements of ~~such~~ the act, and
6 subject to the provisions of section three-pp of this article, the
7 county commission of each county ~~is hereby authorized and empowered~~
8 ~~to~~ may (i) adopt, administer and enforce building codes for a
9 specified area or areas within ~~such~~ the county, which building
10 codes may establish different requirements for different specified
11 areas; (ii) require and issue building permits for all proposed
12 construction or other improvements in ~~such~~ the county: *Provided,*
13 That nothing contained in this subdivision (ii) ~~shall authorize~~
14 authorizes a county commission to refuse to issue a building permit
15 for any proposed construction or other improvement outside of a
16 specified area or areas within ~~such~~ the county; (iii) conduct
17 inspections of construction and other improvements in a specified
18 area or areas within ~~such~~ the county and (iv) otherwise take ~~such~~
19 action and impose ~~such~~ requirements regarding land use and control
20 measures in a specified area or areas within ~~such~~ the county as
21 ~~shall be~~ necessary under ~~such~~ the act: *Provided,* That ~~no such a~~
22 building code adopted by a county commission ~~shall~~ may not apply
23 within nor may any authority hereinabove granted be exercised by a
24 county commission within the corporate limits of any municipality
25 which has taken appropriate action to comply with ~~such~~ the act,
26 unless and until ~~such~~ the municipality so provides by ordinance.

1 ~~Any such~~ A building code adopted by a county commission and any
2 other requirements imposed by a county commission under the
3 provisions of this subsection ~~(c)~~ may be enforced by injunctive
4 action in the circuit court of the county.

5 (d) If a county commission charges a fee for a floodplain
6 permit, the fee shall not exceed \$5,000.

7 ~~(d)~~ (e) The power and authority conferred upon county
8 commissions in this section is supplemental to and not in
9 derogation of any power and authority heretofore or hereafter
10 conferred by law upon county commissions.

11 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

12 **ARTICLE 30. INTERGOVERNMENTAL RELATIONS -- FLOOD CONTROL PROJECTS.**

13 **§8-30-1. Establishment and operation of flood control projects by**
14 **municipalities and counties.**

15 (a) Any municipality or county may establish, construct,
16 maintain and operate for such municipality or county a flood
17 control project, including the removal of accumulated snags and
18 other debris from and the clearing and straightening of the channel
19 of navigable streams and tributaries thereof, and any ~~such~~
20 municipality or county may accept any and all benefits, moneys,
21 services and assistance from the federal government in connection
22 with any agreement as authorized by federal statutes ~~and laws~~
23 relating to flood control, and any ~~such~~ municipality or county
24 under such agreements as are required by section 701c, Title 33,
25 United States Code or other federal statutes ~~is hereby empowered~~
26 ~~and authorized to~~ may give assurances satisfactory to the secretary

1 of the army or other proper federal authority that ~~such~~ the
2 municipality or county will: (a) Provide without cost to the United
3 States, all lands, easements and right-of-ways necessary for the
4 construction of the project; (b) hold and save the United States
5 free from damages due to the construction works; and (c) maintain
6 and operate all the works after completion in accordance with
7 regulations prescribed by the secretary of the army.

8 (b) Any ~~such~~ municipality or county ~~is hereby further~~
9 ~~empowered and authorized to~~ may levy, within all constitutional and
10 statutory limitations, for the maintenance or operation of a flood
11 control project; to purchase land situate therein for the same; to
12 institute condemnation proceedings for the acquiring of any land
13 required under the flood control project; and to authorize the
14 issuance and sale of bonds within all constitutional and statutory
15 limitations, as is provided under general law for the issuance and
16 sale of bonds by municipalities and counties for public purposes
17 generally. Any levy shall be equal and uniform throughout the
18 municipality or county, as the case may be. Real or personal
19 property or moneys may also be acquired for such purpose by gifts
20 to such municipality or county.

21 (c) Any municipality or county ~~is hereby empowered and~~
22 ~~authorized to~~ may adopt zoning ordinances restricting the use of
23 the lands and the construction of buildings and structures within
24 the flood control area and one hundred feet on each side thereof
25 and to enforce such ordinances by fine or imprisonment, or both, in
26 the circuit court of the county in which the offense occurred in

1 the case of a county ordinance, or by injunction proceedings in the
2 circuit court of the county in which the offense occurred.
3 Prosecution for violation of any such municipal ordinance shall be
4 as in any other municipal ordinance violation case.

5 (d) If a municipality charges a fee for a floodplain permit,
6 the fee shall not exceed \$5,000.

7 (e) The power and authority granted by this section may be
8 exercised by any municipality or county in cooperation with each
9 other or separately where such flood control project is located,
10 regardless of the sponsoring agency of such project.”