

CHAPTER 8A-03. FLOOD CONTROL PROPERTIES AND FACILITIES

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8A-03-010. Definitions.

For purposes of this Chapter:

(a) **Emergency Floodway:** Any channel expected to be used in times of a flood emergency for the carrying or transporting of floodwater or debris flows, including the public rights of way in Mountain Road, Nicholls Road, Green Road, and such other locations and ways as may be designated from time to time by resolution of the City Council.

(b) **Flood Control Structure:** Any earthen berm, channel, wall, spillway or other manmade facility, improvement or device designed for the management or handling of water or mud for the purpose of preventing or mitigating damage.

8A-03-020. Safeguarding Flood Control Structures.

No person shall alter, remove, disable or significantly affect any flood control structure without first obtaining express, written permission from the City and any other governmental entity having jurisdiction over the same and upon review by its engineer and specifying the nature and extent of the alteration, removal or disablement.

8A-03-030. Safeguarding Emergency Floodway.

No person shall dig into or in any way alter or affect the surface of the ground in the emergency floodway, including the sides of the emergency floodway, without first obtaining express, written permission from the City upon review by its engineer and specifying the nature and extent of the digging, alteration or affect. Without limiting the generality of this section, the acts it prohibits specifically include any digging, undermining, diminution or other alteration of any earthen berms along the sides of an emergency floodway.

8A-03-040. Exceeding Permission.

No person having permission to alter or perform work affecting a flood control structure or emergency floodway shall exceed the limits or conditions of that permission in any way that affects either a flood control structure or emergency floodway.

8A-03-050. Strict Liability.

Except as otherwise specifically provided herein, any person violating any provision of this Chapter may be found guilty without regard to fault, knowledge, intent or the state of mind of the person committing the violation.

8A-03-060. Penalties.

Any person violating this Chapter shall be guilty of a class B misdemeanor. A violation of Section 8A-03-020 of this Chapter shall be deemed a separate offense from a violation of Section 8A-03-030 of this Chapter, and each day in which a prohibited act or its effects continue shall be a separate offense.