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MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ADOPTION OF ORDINANCE #349 REPEALING CHAPTER 152 OF THE NEW PRAGUE CITY CODE AND REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS AND ADOPTION OF A RESOLUTION TO PUBLISH BY SUMMARY
DATE: MAY 14, 2024

Earlier this year, city staff was notified by FEMA that new Le Sueur County FEMA Flood Insurance Rate Maps (FIRMs) will become effective on July 17, 2024 and cover all of New Prague city limits. In order to continue to participate in the FEMA National Flood Insurance Program (NFIP), the City must adopt a floodplain ordinance that is in compliance with the program.

City Staff and the Planning Commission reviewed two model ordinances developed by the DNR to be compliant. One model ordinance was an updated version of the city's current ordinance which is considered their "typical" ordinance, and another considered a "simplified" version. The DNR encouraged the City to consider adoption of the "simplified" version as New Prague has historically had little to no development in the floodplain and the new ordinance would continue to not allow development in the floodplain.

The Planning Commission held the required public hearing on the zoning ordinance amendment on May 1, 2024 (following the rescheduling of the April 24, 2024 Planning Commission due to a lack of a quorum) and received no public comments during the hearing. The Planning Commission motioned (3-0) to forward the zoning ordinance amendment to the City Council.

At the May 6th City Council meeting, the City Council introduced the ordinance and held a first reading. The required 10-day notice was posted the following day on May 7th.

Recommendation

Staff recommends that the City Council adopt the attached Ordinance #349 titled "An Ordinance Repealing Chapter 152 of the New Prague City Code and Replacing it with a new Chapter 152 Regarding Floodplain Regulations".

Staff also recommends approval of the attached resolution to publish by summary.

**ORDINANCE NO. 349
CITY OF NEW PRAGUE**

**AN ORDINANCE REPEALING CHAPTER 152 OF THE NEW PRAGUE CITY CODE AND
REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS**

**THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, SCOTT AND LE SUEUR COUNTIES,
MINNESOTA ORDAINS:**

SECTION 1. Chapter 152 of the City Code of the City of New Prague is hereby repealed in its entirety.

SECTION 2. The City Code of the City of New Prague is hereby amended by replacing it with a new Chapter 152 as follows:

Chapter 152 FLOODPLAIN REGULATIONS

- 152.01 Statutory Authorization and Purpose.
- 152.02 Definitions.
- 152.03 Jurisdiction and Districts.
- 152.04 Permitted Activities and Standards in the Floodplain District.
- 152.05 Nonconformities.
- 152.06 Administration.
- 152.07 Penalties and Enforcement.
- 152.08 Amendments.

152.01 STATUTORY AUTHORIZATION AND PURPOSE

- A. **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 80; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

B. **Purpose**

- a. This ordinance regulates development in the flood hazard areas of the City of New Prague. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- b. This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
- c. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

- d. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- C. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- D. **Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of New Prague or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- E. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

152.02 DEFINITIONS

- A. **Definitions.** Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
 - a. **Base Flood.** The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
 - b. **Base Flood Elevation (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.
 - c. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
 - d. **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
 - e. **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway.
 - f. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
 - g. **Floodplain.** The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
 - h. **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

- i. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- j. **Recreational Vehicle.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- k. **Regulatory Flood Protection Elevation (RFPE).** An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
- l. **Structure.** A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 4.40, shall also be considered a nonconforming structure for the purposes of this ordinance.
- m. **Substantial Damage.** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- n. **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
 - i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - ii. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.

152.03 JURISDICTION AND DISTRICTS

- A. **Lands to Which Ordinance Applies.** This ordinance applies to all lands under the jurisdiction of the City of New Prague within the Floodplain, shown as Zones A or AE on the Flood Insurance Rate Map panels referenced in Section 3.2.
 - a. The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - b. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be

the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

- c. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City and to submit technical evidence.

B. **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance:

- Flood Insurance Studies
 - Flood Insurance Study for Scott County and Incorporated Areas, dated February 12, 2021
 - Flood Insurance Study for Le Sueur County and Incorporated Areas, dated July 17, 2024
- Flood Insurance Rate Map Panels
 - Scott County Panel 27139C0280E, dated February 12, 2024
 - Scott County Panel 27139C0290E, dated February 12, 2024
 - Scott County Panel 27139C0295E, dated February 12, 2024
 - Le Sueur County Panel 27079C0086E, dated July 17, 2024
 - Le Sueur County Panel 27079C0087E, dated July 17, 2024
 - Le Sueur County Panel 27079C0089E, dated July 17, 2024
 - Le Sueur County Panel 27079C0091E, dated July 17, 2024
 - Le Sueur County Panel 27079C0093E, dated July 17, 2024
 - Le Sueur County Panel 27079C0100E, dated July 17, 2024

These materials are prepared by the Federal Emergency Management Agency, and are on file at New Prague City Hall.

- C. **Annexations:** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of New Prague at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of New Prague after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 8.0.

152.04 PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT

- A. **Permitted Activities.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
 - a. Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 5.0 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Section 2.0 of this ordinance.
 - b. Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 2.0 of this ordinance.
- B. **Activities Not Requiring a Permit.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting

up a mailbox or flagpole. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

C. Minimum Development Standards.

A. All development must:

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials and equipment resistant to flood damage;
- c. Be constructed by methods and practices that minimize flood damage;
- d. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
- e. Be assured to provide adequate drainage to reduce exposure to flood hazards;
- f. Not be detrimental to uses in adjoining areas; and
- g. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

B. Buildings and Structures. No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain. Modifications and alterations of nonconforming structures is subject to the standards in Section 5.0.

C. Subdivisions. All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).

D. Encroachment Analysis. Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).

- a. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
- b. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

E. Fences not meeting the definition of farm fences are not permitted.

F. Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

All public transportation facilities should be designed to minimize increases in flood elevations.

- G. **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- H. **Potential Pollutants.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
- I. **Land Alterations.** In areas within 25 feet of the ordinary high water level, land alterations shall be restricted to:
 - a. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and
 - b. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
- J. **Recreational vehicles** must be travel ready, meeting the following criteria:
 - a. The vehicle must be fully licensed.
 - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - c. No permanent structural type additions may be attached to the vehicle.
- K. **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities** shall be subject to applicable provisions detailed in Section 4.37. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain.

152.05 NONCONFORMITIES

- A. **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
 - a. Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
 - b. Any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the

degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

- c. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 5.3, it may not be reconstructed except in conformity with the provisions of this ordinance.
- d. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

B. Standards for Modifications and Alterations of Nonconforming Structures. In addition to the standards identified in 4.3, the following standards and procedures apply to additions, modifications, rehabilitations, repairs, alterations, or maintenance of nonconforming structures:

- a. All structures, including manufactured homes, must be elevated on fill so that the lowest floor of the lowest enclosed area (including basement) is at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.
- b. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

- a. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
- b. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - i. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - ii. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
- c. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.
- d. Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

152.06 ADMINISTRATION

- A. **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.
- a. **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
 - i. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - ii. Location and detail of grading, fill, or storage of materials.
 - iii. Copies of any required local, state or federal permits or approvals.
 - iiii. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - b. **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - i. Encroachment analysis, as detailed in Section 4.34.
 - ii. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - iii. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
 - iiii. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- B. **Variances**
- a. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
 - b. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - c. Variances from the provisions in this ordinance may only be issued by a community upon:
 - i. A showing of good and sufficient cause,
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - d. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

- f. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- g. The Zoning Administrator must notify the applicant for a variance that:
 - i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
 - ii. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- C. **Notifications for Watercourse Alterations:** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- D. **Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations:** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of New Prague must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.
- E. **Notifications to the Department of Natural Resources.**
 - a. All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
 - b. A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

152.07 PENALTIES AND ENFORCEMENT

- A. **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- B. **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of New Prague or the Department of Natural Resources.
- C. **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of New Prague must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

152.08 AMENDMENTS

- A. **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.
- B. **Required Approval:** All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

SECTION 3. This Ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the New Prague City Charter.

Introduced to the city council of the city of New Prague, Minnesota, the 6th day of May, 2024.

The required 10 days posted notice was completed on the city website and city hall bulletin board on or before May 7th, 2024.

Passed by the city council of the city of New Prague, Minnesota, the 20th day of May 2024 and to be published on the 30th of May, 2024.

Mayor

City Administrator

CITY OF NEW PRAGUE, MINNESOTA

RESOLUTION NO. 24-05-20-01

**A RESOLUTION APPROVING PUBLICATION OF ORDINANCE #349 BY
TITLE AND SUMMARY**

WHEREAS, on May 20th, 2024 the City Council of the City of New Prague (the “City”) adopted Ordinance No. 349, entitled “AN ORDINANCE REPEALING CHAPTER 152 OF THE NEW PRAGUE CITY CODE AND REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS”; and

WHEREAS, the ordinance is 10 pages long; and

WHEREAS, Minnesota Statutes, Section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances; and

NOW, THEREFORE, BE IT RESOLVED,

1. The City Council of the City of New Prague has adopted Ordinance No. 349, entitled “AN ORDINANCE REPEALING CHAPTER 152 OF THE NEW PRAGUE CITY CODE AND REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS”.
2. That the following summary clearly describes the subject matter of such Ordinance sufficient to clearly inform the public of the intent and effect of the Ordinance:

The New Prague City Council adopted a newly revised floodplain ordinance (#349) at the May 20th City Council meeting. The ordinance was based off the Minnesota DNR “simplified” model floodplain ordinance, to satisfy the state and federal standards detailed in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR 59 to 78. The ordinance provides the general regulations for development in floodplains, as well as procedures guiding administrative responsibilities. A copy of Ordinance #349 in its entirety is available for inspection at New Prague City Hall, 118 Central Ave. N., New Prague, MN 56071 or www.ci.new-prague.mn.us.

3. The City Administrator is directed to publish the summary contained in paragraph 2 above in lieu of publication of the entire ordinance.

New Prague City Council:

Duane J. Jirik, Mayor

ATTEST:

Joshua M. Tetzlaff, City Administrator