



NOTICE OF REGULAR MEETING AND AGENDA  
OF THE MIAMI CITY COUNCIL  
TUESDAY, AUGUST 27, 2019  
4:30 PM

MIAMI CIVIC CENTER  
129 5<sup>th</sup> Avenue Northwest, Miami, Oklahoma

Filed in the Office of the City Clerk and posted in the main lobby and the north outside entryway of the  
Miami Civic Center at 3:20 AM/PM on August 26, 2019.

Melissa Moore  
Melissa Moore, City Clerk

**THE COUNCIL MAY DISCUSS, CONSIDER, AND VOTE ON ANY ITEM LISTED IN THIS AGENDA:**

- |   |                               |
|---|-------------------------------|
| 1. Call to Order  | Mayor Schultz                 |
| 2. Presentation of Wardog Junior Police Cadets Program          | Andrew Hanson                 |
| 3. Discussion of Boring Under Streets and Street Cuts Ordinance | Ben Loring                    |
| 4. Discussion of Panhandling and Solicitation Ordinance         | Ben Loring                    |
| 5. Discussion of New Flood Ordinance                            | Ben Loring/<br>Kristi McClain |
| 6. Adjournment  | City Council                  |

*The mayor and city council of the City of Miami are committed to making this meeting accessible to all citizens and if special assistance or accommodations are required, please submit your request to the city manager's office. We also ask that those in attendance turn off or place on silent all cell phones or pagers.*



# **Personal History Information**

**WARDOG JUNIOR POLICE CADETS**

**Chief Thomas Anderson**

129 5<sup>th</sup> Ave NW

Miami Oklahoma 74354

(918)542-5585



## Wardog Junior Police Cadets

The Wardog Police Cadet Program is located at 129 5<sup>th</sup> Ave NW, Miami, Oklahoma and is a youth program conducted by the Miami Police Department. It is our mission to provide our youth a chance to experience the challenges and personal rewards of a police career. Our program will also help in bonding our community with our police department to better serve our community. Law Enforcement is more than a job, it is a profession. Enrollees of the Wardog Police Cadet Program are dedicated to serving and helping the citizens of Miami and working together with other law enforcement agencies. If helping others and community service are your goals, then a career with the Wardog Police Cadet Program may be for you. The application process for cadets' positions is multi-phased and is designed to recruit quality cadets. Due to the process being very similar of that to the process of our own police department application procedures, we strongly encourage all cadets and parents to ask questions about any part of the process. We understand that the process may seem intimidating especially at first, but as your cadet succeeds, they will understand the importance of our thorough process. We want everyone selected or not to succeed in life and use this experience as a learning experience.

### **BASIC QUALIFICATIONS FOR WARDOG JUNIOR POLICE CADETS:**

Completed the 8<sup>th</sup> Grade by the start date of the Wardog Junior Police Academy.

The applicant must not have **EVER** been convicted of a felony offense.

The applicant must not have **EVER** been convicted of any violent misdemeanor crime in any state.

**NEVER** had convictions for domestic violence, violation of protective order, and/or stalking.

The applicant must be able to perform all mental and physical duties of a police cadet.

Must maintain the Oklahoma Public Schools eligibility requirements.



# Professional Law Enforcement

## Wardog Junior Police Cadets

### Application Procedure

#### **Testing and Hiring Procedures**

The following procedures will not necessarily be completed in the order in which they are listed.

**A Hiring Board will be appointed by the Chief of Police and/or a Division Commander and/or a designee as outlined in this policy.**

#### ***Phase 1***

***Written Examination:*** The Written Examination is designed to test the basic knowledge of the applicant and requires no previous police experience or knowledge.

***Physical Fitness Test:*** The physical fitness test shall conform to CLEET rules (OAC Title 390). The specific test content and standards shall be published and distributed to applicants upon application of the position.

***Background Packet:*** The completed personal history packet is a questionnaire that contains details to assist in the assessment of the applicant's suitability for the position of police officer with this agency.

#### ***Phase 2***

***Screening Board:*** All applicants that successfully complete Phase 1 will be screened. Applicants may be eliminated from this phase for inadequate background packets and/or other minimum qualification deficiencies. All applicants that are chosen by the screening board will be contacted and given a date and time for an oral interview with the hiring board.

***Hiring Board:*** All applicants shall appear before a hiring board, who will interview the applicant using questions and procedures to help assess the applicant's suitability for the position of police officer for the City of Miami



**Hiring board consists:**

(3) Miami Police Officer

**Hiring Board evaluation:** The Hiring board reviews the applicants who have thus far met the requirements of police officer for this agency and determines whether or not the applicant should be considered for the position. After all applicants have completed phase 2 of the hiring process, a list of all applicants that will be considered for the cadet position(s) shall be submitted to the Wardog Police Cadet Board.

### Phase 3

**Background Investigation:** An investigator will be assigned to meticulously investigate the background of the applicants who remain in the process in order to further obtain information that will assist in the assessment of the applicant's suitability for the position of Cadet for this agency.

**Applicants may be required to meet with background investigator in person in order to complete a background investigation.**

### Phase 4

**Conditional Offer of Enrollment and Eligibility List:** The Hiring Board shall forward the names of suitable applicants to the Wardog Police Cadet Board. The Wardog Police Cadet Board reserves the authority to extend a conditional offer of enrollment and then establish an eligibility list for future hiring. Eligibility list shall not exceed 6 months prior to the final selection list. A new hiring process shall be established if the list of final applicants exceeds 6 months.

# WARDOG JUNIOR CADET PROGRAM BACKGROUND INVESTIGATION QUESTIONNAIRE

## INSTRUCTIONS

READ AND FOLLOW ALL INSTRUCTIONS BELOW. FAILURE TO DO SO WILL DELAY OR VOID YOUR APPLICATION.

*COMPLETE IN BLACK INK, LEGIBLY. PRINT IN YOUR OWN HANDWRITING.*

1. ANSWER EACH QUESTION *COMPLETELY* AND *ACCURATELY*. **EACH BLANK MUST HAVE AN ANSWER IN IT.** IF THE QUESTION CALLS FOR A "NO" OR "NONE" ANSWER, BE SURE TO STATE IT. IF THE QUESTION DOES NOT APPLY TO YOU, WRITE "N/A" APPROPRIATE SPACE.
2. IF THERE IS NOT ENOUGH SPACE ON THE FORM FOR YOU TO PROVIDE A COMPLETE ANSWER, ATTACH ADDITIONAL SHEETS. BE SURE TO LABEL ANY ATTACHED SHEETS CLEARLY WITH THE NUMBER OF THE QUESTION YOU ARE ANSWERING.
3. SIGN AND DATE THE QUESTIONNAIRE.
4. RETAIN A COPY OF THE QUESTIONNAIRE FOR YOUR RECORDS.
5. RETURN THE COMPLETE QUESTIONNAIRE AND OTHER REQUESTED INFORMATION TO:

**SRO Joey Williams, SRO Derek Sparks, or the Miami Police Department**

## REMEMBER

INCOMPLETE OR INACCURATE ANSWERS MAY BE GROUNDS FOR REJECTION OR REMOVAL.

WHETHER INTENTIONAL OR INADVERTENT, OMISSIONS ARE TAKEN VERY SERIOUSLY.

IT IS BETTER TO PROVIDE INFORMATION THAT IS UNNECESSARY THAN TO OMIT INFORMATION THAT MAY BE NECESSARY.

IT IS ALSO BETTER TO TELL THE TRUTH, NO MATTER **WHAT**. YOUR APPLICATION WILL BE GIVEN EVERY CONSIDERATION IN LIGHT OF ALL AVAILABLE INFORMATION.

YOUR APPLICATION WILL NOT BE CONSIDERED FURTHER UNTIL THIS FORM IS CORRECTLY COMPLETED AND SUBMITTED TO THE WARDOG POLICE CADET BOARD.

YOU MAY BE ASKED TO SUBMIT ADDITIONAL INFORMATION OR DOCUMENTATION PERTAINING TO YOUR APPLICATION.

BE SURE TO NOTIFY THE WARDOG POLICE CADET BOARD *IN WRITING* OF ANY CHANGES IN ADDRESS, TELEPHONE NUMBER, STATUS, OR ANY OTHER INFORMATION RELEVANT TO YOUR APPLICATION.

# APPLICATION

<u>DATE OF APPLICATION:</u>	<u>POSITION FOR WHICH YOU ARE APPLYING:</u>

Have you ever been employed by the City of Miami?                      YES                      NO

If yes Dates:      From \_\_\_\_\_ To: \_\_\_\_\_

Do you have any relatives currently employed with the City of Miami?                      YES                      NO

If yes, Who: \_\_\_\_\_ Department: \_\_\_\_\_

# IDENTIFICATION INFORMATION

LAST NAME	FIRST NAME	MIDDLE
PARENT/GUARDIAN LAST NAME	FIRST NAME	MIDDLE

PRESENT ADDRESS (STREET, CITY, STATE, AND ZIP CODE)	APT #

PHONE NUMBER			PARENT/ GUARDIAN PHONE NUMBER	
DATE OF BIRTH			AGE	PLACE OF BIRTH
SEX	RACE	HAIR COLOR		

# EDUCATION

LIST CHRONOLOGICALLY (EARLIEST DATE FIRST) ALL SCHOOLS, COLLEGES, AND ANY OTHER SCHOOLS YOU HAVE ATTENDED.

NAME OF SCHOOL: \_\_\_\_\_

YEARS ATTENDED (MONTH/YEAR) \_\_\_\_\_ THRU \_\_\_\_\_ GRADE(S) ATTENDED \_\_\_\_\_

SCHOOL LOCATION (CITY/STATE) \_\_\_\_\_

GPA \_\_\_\_\_

TYPE OF DEGREE RECEIVED \_\_\_\_\_

LIST ANY ACADEMIC ACHIEVEMENTS, CLUBS, ACHIEVEMENTS, OR OTHER HONORS RECEIVED WHILE ATTENDING

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NAME OF SCHOOL: \_\_\_\_\_

YEARS ATTENDED (MONTH/YEAR) \_\_\_\_\_ THRU \_\_\_\_\_ GRADE(S) ATTENDED \_\_\_\_\_

SCHOOL LOCATION (CITY/STATE) \_\_\_\_\_

GPA \_\_\_\_\_

TYPE OF DEGREE RECEIVED \_\_\_\_\_

LIST ANY ACADEMIC ACHIEVEMENTS, CLUBS, ACHIEVEMENTS, OR OTHER HONORS RECEIVED WHILE ATTENDING

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NAME OF SCHOOL: \_\_\_\_\_

YEARS ATTENDED (MONTH/YEAR) \_\_\_\_\_ THRU \_\_\_\_\_ GRADE(S) ATTENDED \_\_\_\_\_

SCHOOL LOCATION (CITY/STATE) \_\_\_\_\_

GPA \_\_\_\_\_

TYPE OF DEGREE RECEIVED \_\_\_\_\_

LIST ANY ACADEMIC ACHIEVEMENTS, CLUBS, ACHIEVEMENTS, OR OTHER HONORS RECEIVED WHILE ATTENDING

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# EMPLOYMENT HISTORY

PLEASE LIST ALL COMPANIES, JOBS, AND ANY OTHER EMPLOYMENT YOU HAVE WORK FOR IN THE PAST, STARTING WITH CURRENT OR MOST RECENT:

NAME	
ADDRESS	
CITY	STATE
POSITION HELD	SUPERVISOR
DATE EMPLOYED: FROM	TO
ENDING SALARY (HOURLY RATE OR YEARLY GROSS)	COMPANY PHONE NUMBER
REASON FOR LEAVING:	
IF TERMINATED(EXPLAIN IN DETAIL)	
MAY WE CONTACT EMPLOYER FOR REFERENCE?    YES                      NO	

NAME	
ADDRESS	
CITY	STATE
POSITION HELD	SUPERVISOR

<b>DATE EMPLOYED: FROM</b>	<b>TO</b>
<b>ENDING SALARY (HOURLY RATE OR YEARLY GROSS)</b>	<b>COMPANY PHONE NUMBER</b>
<b>REASON FOR LEAVING:</b>	
<b>IF TERMINATED(EXPLAIN IN DETAIL)</b>	
<b>MAY WE CONTACT EMPLOYER FOR REFERENCE?</b>	<b>YES                      NO</b>

# REFERENCES

**PEOPLE WHO KNOW YOU WELL:**

LIST ONE SCHOOL ADMINISTRATOR, ONE TEACHER OR NON ADMINISTRATIVE SCHOOL STAFF MEMBER, ONE ADULT FAMILY MEMBER OR GUARDIAN, AND ONE ADULT NON FAMILY MEMBER WHO KNOWS YOU WELL AND LIVES IN THE UNITED STATES. PLEASE CONTACT ALL REFERENCES AND ADVISE THEM THAT THEY MAY BE CONTACTED BY A BACKGROUND INVESTIGATOR.

NAME	RELATIONSHIP
HOME PHONE NUMBER	OTHER PHONE NUMBER
CURRENT ADDRESS	CITY/STATE
OCCUPATION	YEARS KNOWN

NAME	RELATIONSHIP
HOME PHONE NUMBER	OTHER PHONE NUMBER
CURRENT ADDRESS	CITY/STATE
OCCUPATION	YEARS KNOWN

NAME	RELATIONSHIP
HOME PHONE NUMBER	OTHER PHONE NUMBER
CURRENT ADDRESS	CITY/STATE
OCCUPATION	YEARS KNOWN

<b>NAM</b>	<b>RELATIONSHIP</b>
<b>HOME PHONE NUMBER</b>	<b>OTHER PHONE NUMBER</b>
<b>CURRENT ADDRESS</b>	<b>CITY/STATE</b>
<b>OCCUPATION</b>	<b>YEARS KNOWN</b>

# CRIMINAL HISTORY

ANSWER ALL OF THE FOLLOWING QUESTIONS COMPLETELY AND HONESTLY. ANY FALSIFICATION OR MISSTATEMENT OF ANY FACT MAY BE SUFFICIENT TO DISQUALIFY YOU FROM HIRING PROCESS:

CIRCLE "YES" OR "NO" TO ALL QUESTIONS

- |  |     |    |
|--|-----|----|
| 1. HAVE YOU EVER BEEN ARRESTED?  | YES | NO |
| 2. HAVE YOU EVER BEEN ARRESTED FOR A FELONY?   | YES | NO |
| 3. HAVE YOU EVER BEEN ARRESTED FOR ANY MISDEMEANOR                                     | YES | NO |
| 4. HAVE YOU EVER BEEN ARRESTED FOR A DRUG RELATED OFFENSE?                             | YES | NO |
| 5. HAVE YOU EVER BEEN ARRESTED FOR AN ALCOHOL RELATED OFFENSE?                         | YES | NO |
| 6. HAVE YOU EVER BEEN ARRESTED FOR DOMESTIC VIOLENCE?                                  | YES | NO |
| 7. HAVE YOU EVER BEEN ARRESTED FOR STALKING?   | YES | NO |
| 8. HAVE YOU EVER HAD A PROTECTIVE ORDER FILED AGAINST YOU?                             | YES | NO |
| 9. HAVE YOU EVER BEEN ARRESTED FOR A COMPUTER CRIME?                                   | YES | NO |
| 10. HAVE YOU EVER BEEN ARRESTED FOR A VIOLENT CRIME?                                   | YES | NO |
| 11. HAVE YOU EVER BEEN ARRESTED FOR A MOTOR VEHICLE INCIDENT?                          | YES | NO |
| 12. IN THE PAST 10 YEARS HAVE YOU EVER HAD A MOVING VIOLATION<br>TICKET ISSUED TO YOU? | YES | NO |

IF YOU ANSWERED YES TO ANY QUESTION(S) ABOVE, PLEASE EXPLAIN IN DETAIL THE OFFENSE AND THE FINAL DISPOSITION OF THE INCIDENT: INCLUDE TYPE OF OFFENSE, DATE OF INCIDENT AND THE LOCATION OF ARREST(CITY AND STATE).

QUESTION 1

QUESTION 2

**QUESTION 3**

**QUESTION 4**

**QUESTION 5**

**QUESTION 6**

**QUESTION 7**

**QUESTION 8**

# CRIMINAL HISTORY

**QUESTION 9**

**QUESTION 10**

**QUESTION 11**

# GENERAL INFORMATION

ANSWER ALL OF THE FOLLOWING QUESTIONS COMPLETELY AND HONESTLY. ANY FALSIFICATION OR MISSTATEMENT OF ANY FACT MAY BE SUFFICIENT TO DISQUALIFY YOU FROM HIRING PROCESS:

CIRCLE "YES" OR "NO" TO ALL QUESTIONS

- |  |     |    |
|--|-----|----|
| 1. DO YOU OBJECT TO WEARING A UNIFORM?                                     | YES | NO |
| 2. DO YOU OBJECT TO WORKING NIGHTS?  | YES | NO |
| 3. DO YOU OBJECT TO WORKING WEEKENDS?                                      | YES | NO |
| 4. DO YOU OBJECT TO WORKING HOLIDAYS?                                      | YES | NO |
| 5. DO YOU HAVE ANY RELIGIOUS OR MORAL BELIEFS THAT WOULD PREVENT YOU FROM: |     |    |
| a. RECEIVING MEDICAL TREATMENT IF NECESSARY?                               | YES | NO |
| b. TAKING DRUG/ALCOHOL TESTS IF REQUESTED?                                 | YES | NO |
| c. TAKING ORDERS OR BEING SUPERVISED?                                      | YES | NO |
| d. PERFORMING CIVIC ACTIVITIES IF REQUESTED?                               | YES | NO |
| e. WORKING ON A SUNDAY OR ANY OTHER DAY?                                   | YES | NO |

IF YOU ANSWERED YES TO ANY QUESTION(S) ABOVE, PLEASE EXPLAIN IN DETAIL THE REASON FOR NOT BEING ABLE TO PERFORM THE TASK: BE SPECIFIC.

QUESTION 1
QUESTION 2
QUESTION 3
QUESTION 4
QUESTION 5a
QUESTION 5b
QUESTION 5c
QUESTION 5d
QUESTION 5e



# MIAMI POLICE DEPARTMENT

## WARDOG CADET APPLICANTS ONLY

### *Physical Ability Test, Waiver & Release of Liability*

I, \_\_\_\_\_ hereby authorize the

Miami Police Department to administer the Council on Law Enforcement Education & Training, Physical Ability Test, for enrollment with the City of Miami Wardog Junior Police Department Program.

I understand that if I fail to meet any of the standards, I have failed to meet the requirements of this physical fitness test and will be asked to cease testing.

I understand that this test will require that I physically exert myself in order to test my physical fitness level, and I hereby assume the risk of such physical exertion.

I understand the City of Miami has no type of insurance or other provisions to pay for any medical bills which may be incurred as a result of any sickness or injury arising out of taking of said physical fitness test.

I hereby relieve the City of Miami and the City of Miami Police Department and/or all agents or representative there of all liability from injury, physical or mental, that may be incurred while testing for a position with the Miami Police Department.

I fully understand that by this waiver of liability I promise not to bring suit at any time naming any of the foregoing entities as defendants, and consequently, I am relieving them from any and all liability.

I understand that the test administration staff may remove me from the test if they believe I might endanger myself or be an endangerment to others.

**I certify that I have read the foregoing Physical Fitness Assessment Waiver & Release of Liability Form and understand its provisions.**

DATED \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Applicant Signature \_\_\_\_\_ Parent/Guardian Signature \_\_\_\_\_

Subscribed and \_\_\_\_\_ sworn to before me this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_ My Commission expires: \_\_\_\_\_

Notary Public Signature \_\_\_\_\_



**WARDOG POLICE CADET  
MEDICAL INFORMATION & AUTHORIZATION FORM**

**Student's Name:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**EMERGENCY CONTACTS:**

**Name:** \_\_\_\_\_ **Relation to Cadet:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Relation to Cadet:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**MEDICAL INFORMATION:**

**Doctor's Name:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Clinic or Hospital Preference & Address:** \_\_\_\_\_

**Immunizations:**

**DPT Series** \_\_\_\_\_ **Booster** \_\_\_\_\_ **Tetanus** \_\_\_\_\_ **Polio OPY (Sabin)** \_\_\_\_\_ **Booster** \_\_\_\_\_

**Physical Conditions**

**Allergies**

**Diseases**

**Ear Infections** \_\_\_\_\_

**Hay Fever** \_\_\_\_\_

**Chicken Pox** \_\_\_\_\_

**Rheumatic Fever** \_\_\_\_\_

**Poison Ivy** \_\_\_\_\_

**Measles** \_\_\_\_\_

**Convulsions** \_\_\_\_\_

**Insect Stings** \_\_\_\_\_

**German Measles** \_\_\_\_\_

**Diabetes** \_\_\_\_\_

**Penicillin** \_\_\_\_\_

**Mumps** \_\_\_\_\_

**Heart Problems** \_\_\_\_\_

**Sulfa Drugs** \_\_\_\_\_

**Asthma** \_\_\_\_\_

**Gluten** \_\_\_\_\_

**Nuts** \_\_\_\_\_

**Other health problems not listed that may prevent physical activity:**

\_\_\_\_\_

**Any medication currently being taken: YES or NO (circle one) if so please specify:**

\_\_\_\_\_

**Health Insurance**

**Company Name:** \_\_\_\_\_

**Policy #:** \_\_\_\_\_ **Group #:** \_\_\_\_\_

**AUTHORIZATIONS**

**(PLEASE INITIAL THE LINES THAT APPLY AND SIGN BELOW)**

1. \_\_\_\_\_ **The health history on this form is correct and true to the best of my knowledge: the child described herein has permission to engage in all program activities, except as noted by me and/or recommended by our physician.**
2. \_\_\_\_\_ **If I cannot be reached in an EMERGENCY, I hereby give permission to the physician selected by the Miami Police Department to seek medical attention to my child in the event of an emergency.**

**MY SIGNATURE BELOW CONSTITUTES AUTHORIZATION FOR ITEMS INITIALED ABOVE.**

**PARENT /GUARDIAN SIGNATURE:** \_\_\_\_\_ **DATE:**\_\_\_\_\_



## **WARDOG POLICE CADET**

### **PHOTO & VIDEO RELEASE FORM FOR MINOR CHILD**

I hereby authorize the Miami Police Department or any department/school official to publish the photographs and videos taken of the undersigned child, and his/her name, for use in the Wardog Police Cadet program, departments/schools website, and social media.

I released the Miami Police Department from any expectation of confidentiality for the undersigned child and attest that I am the parent or legal guardian of the child listed below and that I have the authority to authorize the Miami Police Department to use his/her photograph, video and names.

I acknowledge that since participation in publications, websites, and social media produced by the Miami Police Department is voluntary, neither the child nor I will receive financial compensations.

I further agree that participation in any publication, website, and social media produced by the Miami Police Department confers no rights of ownership whatsoever. I release the Miami Police Department, City of Miami and its employees from liability for any claims by me or any third party in connection with the participation of the undersigned child.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ADDRESS :** \_\_\_\_\_

**CITY, STATE, ZIP:** \_\_\_\_\_

**NAME OF CHILD:** \_\_\_\_\_ **AGE:** \_\_\_\_\_



## GENERAL INFORMATION

### CADET REQUIRED PERFORMANCE OBJECTIVES:

1. COMPLETE THE WARDOG POLICE CADET ACADEMY, WILL INCLUDE MOST ASPECTS OF A REAL ACADEMY (FIREARMS, LEGAL, CUSTODY AND CONTROL, ETC.)
2. 4 HOURS OF OBSERVATION TIME A MONTH
3. ASSIST IN (1) COMMUNITY EVENT (FIREWORKS, MONSTER TRUCKS, PARADE) A YEAR
4. PARTICIPATE IN (1) COMMUNITY PROJECT (TOYS FOR TOTS, ADOPT A STREET) A YEAR
5. ASSIST/PARTICIPATE IN THE PURCHASE/SALES OF ALCOHOL TO MINORS.

### Honorary Cadets:

1. Will be allowed to participate in any of the above objectives providing their physical and mental capabilities allow them to. No discrimination will keep a child from being included in the Wardog Police Cadet Program, unless such capabilities is deemed unsafe.

PARENT/GUARDIAN SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

CADETS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



## WARDOG POLICE CADETS

### CODE OF CONDUCT

1. **HONESTY AND INTEGRITY** – It is of utmost importance that the public has faith in the honesty and integrity of the police. Police Cadets should be open and truthful in their dealings; avoid being improperly connected to any person or institution; and demonstrate their commitment to honesty and integrity.
2. **Fairness and Impartiality** – Police Cadets have a responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues and will not unfairly discriminate against others.
3. **Politeness and Tolerance** – Police Cadets should treat members of the public and colleagues with courtesy and respect, avoiding abusive or insulting attitudes or behaviors. In particular, they must avoid: favoritism of an individual or group; all forms of harassment, victimization or unreasonable discrimination; and overbearing conduct to a colleague.
4. **Abuse of Authority** – Police Cadets must never abuse their association and/or position with the police authority.
5. **Performance of Service** – Police Cadets should be diligent in the performance of their services as a police cadet.
6. **Lawful Behavior**- Police Service is a disciplined body. Police Cadets must abide by the law applicable to the police. They should support officers and staff in the execution of their lawful duties and challenge any improper behavior reporting it to officers.
7. **Confidentiality** – Information which comes into the possession of Police Cadets through their service with the police department will be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except where express permission has been given by officers in charged. Similarly police cadets should treat as confidential, information about Force policy and operations.
8. **Criminal Offenses** – Police Cadets must report any proceedings for a criminal offense taken against them and may result in their voluntary service as a police cadet to be suspended or terminated.

9. **Property** – Police Cadets must exercise care to prevent loss or damage to property issued to them and/or property not issued to them, which does not belong to them.
10. **Fitness for Duty and Appearance** – Police Cadets must not make themselves unfit for duty as a result of prescribed or illegal alcohol and/or drugs. Police Cadets will be well prepared, clean and tidy.
11. **General Conduct** – When performing their duties as a Police Cadet and when acting as a normal civilian, cadets should not behave in a way which is likely to bring discredit upon them, other cadets or the cadet program. This includes but not limited to the involvement of social network sites and portable communication devices.

**Any violation of these codes or any other instance deemed serious enough by the Police Chief or his designee could result in suspension or termination of their position as a Police Cadet. A written report will also be submitted to the Wardog Police Cadet Board and placed with your personal file.**

**PARENT/GUARDIAN SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_**

**CADETS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_**





**ORDINANCE NO. 2019 -**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI, OKLAHOMA AMENDING SECTION 21-26 (PERMIT) OF ARTICLE II (EXCAVATIONS) OF CHAPTER 21(STREETS AND SIDEWALKS) OF THE CODE OF ORDINANCES; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Article 2, Section 6, sub-paragraph 2 of the City Charter provides that the council may enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law; and

**WHEREAS**, Article 1, Section 1 and Article 2, Section 1 of the City Charter provides that the City of Miami, acting through the City Council, shall have all powers and rights which are granted by existing laws or other laws thereafter adopted, including the power to enforce the ordinances of the City by fine or imprisonment, or both, provided no ordinance shall provide a greater penalty than is prescribed for like offenses by the laws of the state (11 O. S. §14-109); and

**WHEREAS**, Title 11, Oklahoma Statutes, Sections 36-101 and 107 authorizes a municipality to regulate and control the use of streets, roads, alleys, sidewalks and walkways and other public ways within the limits of the municipality; make all necessary utility connections whenever the public necessity may require such improvements; prohibit and prevent all encroachments into and upon the sidewalks, streets, avenues, alleys and other property of the municipality; and regulate all other excavations through and under the sidewalks, or along any streets of the municipality; and

**WHEREAS**, Section 21-26 was enacted and was originally codified in 1964 as Section 22-1 of the City of Miami Code of Ordinances and required a permit to dig or cut into streets, roads, alleys and sidewalks; and

**WHEREAS**, the former Section was subsequently re-codified as Section 21-26; and

**WHEREAS**, having continuing difficulties with damages to city streets, roads, alleys, and sidewalks , as well as damage to private property adjoining same, staff recommends further clarification and restrictions on the cutting into or boring under such city property.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF MIAMI, OKLAHOMA, THAT SECTION 21-26 (PERMIT) OF ARTICLE II (EXCAVATIONS) OF CHAPTER 21(STREETS AND SIDEWALKS) OF THE CITY OF MIAMI CODE OF ORDINANCES IS AMENDED TO READ AS FOLLOWS:**

**Section 1 – Section 21-26 shall be amended to read as follows:**

**Section 21-26. Permit.**

It shall be unlawful for any person (including any company, corporations, public utility or any other legal entity), other than the City of Miami, or its contractors or subcontractors acting on its behalf to cut, dig, compress, damage or remove road materials or curbs, earth, rock or other materials in or on the ground or blast, auger, bore under, backfill, drill, grade, plow, or in any other way disrupt, alter, mutilate or change the surface or the material, in, under, around or near any alley, street, curb, gutter, catch basin, sidewalk or any other appurtenance of any street, alley or sidewalk in the city, unless he/she shall first fully comply with the Oklahoma Underground Facilities Damage Prevention Act, 63 O. S. §§ 142.1, et seq., (the “Act”), and secure from the public works director, or the public utilities director, or his/her/their designee, a permit authorizing him/her so to do. Except in the case of an emergency, the application for such permit must be filed not less than forty-eight (48) hours, excluding Saturdays, Sundays and legal holidays, prior to the desired commencement of all such work. In the event of an emergency, as much advance notice as is practical must be given to the public works director, or the public utilities director, or his/her/their designee as soon as is practical. In the event the emergency happens on weekends or holidays, notice must be given to the public works department before any work commences and notice must be given to the the public works director, or the public utilities director, or his/her/their designee by 9:00 a.m. on the next business day wherein city offices are open, and the permit obtained. None of the provisions contained herein, relating to an emergency or otherwise, in any way relieve the person doing such work from any liability under the Act.

There shall be no cost for the permit. Any deficiency in the permit application, as determined by the public works director, the public utilities director, or his/her/their designee, must be resolved to his/her/their satisfaction before the permit may be issued.

If the proposed work entails any disruption to private property, real or personal, that is not within the boundaries of a public easement or right of way, the permit applicant must also obtain the written consent of that private property owner, which must be attached to the permit application. The City reserves the right to inspect the work at all stages of progress, including the remediation required in the next succeeding subparagraph.

The person (including any company, corporations, public utility or any other legal entity) doing any such work shall be responsible for fixing at his/her own expense any and all damage

done during the work. After completion of any such work, the person shall return the entire area to at least as good of condition as it was in prior to the commencement of the work, including, but not limited to appropriate compaction of all materials and the use of the proper materials, and then notify the public works director, or his/her designee, that the work has been completed for purposes of a final inspection. The determination of the appropriateness of this remediation as to any City owned facilities and any other real property within City rights of ways and/or easements is at the discretion of the public works director, or his/her designee. If the work shall entail any disruption of private real property outside of a City right of way and/or easement or any personal property regardless of where it is located, the appropriateness of the remediation is a private issue between the property owner and the person doing the work, but, nonetheless, a property owner's dissatisfaction with such remediation should be taken into consideration by city officials before any future permit is issued under this Section or under Chapter 6 (Buildings and Building Regulations) or under Chapter 10 (Flood Damage prevention) to such person.

If the person doing such work fails or refuses to:

1. obtain a permit required herein before doing such work,
2. meet the remediation requirements of the preceding paragraph, or hides or attempts to hide any deficiencies in the remediation work, or
3. pay for all damages as provided herein;

then such person may be subject to any or all of the following penalties:

1. shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.5 of this Code; and
2. the city may, at its discretion, fix the damages and collect all costs of doing so from the person, including resorting to lawsuit in the District Court of Ottawa County, if necessary; and
3. if the person acts willfully or with reckless disregard of the rights of others and/or repeatedly violates the provisions of this Section and/or repeatedly damages property of others and/or threatens the public health, safety, and welfare, may be enjoined in the District Court of Ottawa County from furthering any such work; and
4. if the person acts willfully or with reckless disregard of the rights of others and/or repeatedly violates the provisions of this section and/or repeatedly damages

property of others and/or threatens the public health, safety, and welfare of the public, may be denied any future permit under this Section, or under Chapter 6 (Buildings and Building Regulations) or Chapter 10 (Flood Damage prevention).

**Section 2 – Severability**

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

**Section 3 – Effective Date**

[Choose One (1)]

\_\_\_\_\_ Pursuant to 11 O.S. §14-103, this Ordinance shall take effect thirty (30) days from its final passage unless the City Council specifies a later date:

\_\_\_\_\_

[OR]

\_\_\_\_\_ EMERGENCY CLAUSE. For the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist whereby this Ordinance shall take effect immediately upon passage and publication as required by law. The question of emergency must be ruled upon separately and approved by the affirmative vote of at least ¾ of ALL the members of the City Council (4 affirmative votes required). As required by 11 O.S. §14-103, an emergency measure must state in a separate section why it is necessary that the measure become effective immediately; the reason for the emergency measure is as follows:

\_\_\_\_\_  
\_\_\_\_\_

It is in the public economic interest to enact this Ordinance immediately.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Rudy Schultz, Mayor

ATTEST:

APPROVED:

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Melissa Moore, City Clerk

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Ben Loring, City Attorney

**CITY OF MIAMI  
ACTION/DECISION REQUEST**

**COUNCIL  
MEETING DATE:** August 27, 2019

**AGENDA TITLE:** Discussion of Flood Damage Prevention Ordinance

**BACKGROUND:**

- The Flood Insurance Rate Map is effective September 13, 2019
- The new Flood Damage Prevention Ordinance is required to be approved by FEMA and Oklahoma Water Resources Board prior to the council approving.
- The new Flood Damage Prevention Ordinance contains the following changes among other changes:
  - Addition of language to address cumulative improvement
  - No new or substantially improved critical facilities may be located in the 500 year floodplain
  - Addition of fees for floodplain development permits and penalty for not obtaining the permit
  - Change in the penalty for violation of the ordinance
  - Ability to abate violations of this ordinance

**STAFFS RECOMMENDATION:**

**No Action**

**PRESENTER(S):**

Ben Loring/Kristi McClain

## Chapter 10

### **FLOOD DAMAGE PREVENTION**

#### **Article I. In General**

##### **Sec. 10-1. Title.**

The provisions contained within this Article shall be known as the Flood Damage Prevention Ordinance of the City of Miami, hereinafter referred to as "this ordinance".

##### **Sec. 10-2. Scope.**

The provisions of this ordinance shall apply to all development that is wholly within, partially within, or in contact with any area of special flood hazard, including but not limited to the subdivision of land; filling, grading, and any other site improvements and utility installations; construction, alteration, remodeling, enlargement, replacement, repair, relocation or demolition of any building or structure; placement installation of manufactured homes; storage of hazardous materials; installation or replacement of tanks; placement of temporary structures and temporary storage of materials; and installation of swimming pools, storm shelters, fences, accessory buildings, utility and miscellaneous structures. The provisions of this ordinance also apply to development related to critical facilities in areas subject to inundation by flooding and to development and redevelopment of land that could create flood hazard, even if such development is located outside of a defined area of special flood hazard. Areas of land proposed for development or redevelopment but lacking data necessary to determine whether the proposed development will be reasonably safe from flooding, whether inside or outside of an area of special flood hazard, are subject to the requirements of this ordinance related to provision of detailed data and compliance with mapping and study standards.

##### **Sec. 10-3. Statement of purpose.**

The purpose of this ordinance is to promote the health, safety and general welfare of the community by establishing minimum requirements for development in and around areas of flood hazard. Specifically, this ordinance seeks to reduce the frequency and severity of public and private flood losses by means of minimum requirements designed to:

- (1) Reduce the potential for loss of human life and detriment to public health and

safety caused by flooding;

- (2) Minimize unnecessary disruption of commerce and interruption of public services during times of flooding;
- (3) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
- (5) Minimize the need for future expenditure of public funds for flood control projects and for rescue and relief efforts associated with flooding;
- (6) Manage the alteration of flood hazard areas and stream channels to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (7) Maintain a stable community by providing for the sound use and development of flood-prone areas in such a manner as to minimize future blighted conditions resulting from flood damage and to encourage responsible redevelopment of blighted conditions within flood hazard areas;
- (8) Minimize damage to public and private facilities, utilities and infrastructure;
- (9) Ensure that planning and construction of all development within areas of flood hazard addresses and mitigates potential adverse impacts on properties throughout the watershed and entire community; and
- (10) Allow for the availability of reasonably priced flood insurance by meeting the minimum requirements for community participation in the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22 and 44 CFR 60.3(d).

**Sec. 10-4. Findings of fact.**

The following findings are hereby made:

- (1) Areas exist within the City of Miami that are subject to periodic inundation by flooding which results in loss of life and property, creation of health and safety hazards, disruption of commerce and public services, and expenditure of public funds for disaster relief and flood protection, all of which adversely effect the public health, safety, and general welfare.
- (2) The potential for flood damage has been increased by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses and structures vulnerable to



flooding.

- (3) Where possible, restoring the natural and beneficial functions of the floodplain will lead to decreased frequency, duration and severity of flood damage.

**Sec. 10-5. Methods of reducing flood loss.**

The following methods are employed within this ordinance in order to reduce the frequency, duration and severity of flood losses:

- (1) Restriction or prohibition of uses or structures that could cause increases in flood heights or velocities or that are dangerous to health, safety or property in times of flooding;
- (2) Require that uses and structures located in areas of flood hazard be protected against flood damage at the time of initial construction or substantial improvement;
- (3) Control the alteration of floodplains, stream channels, and other natural features involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may lead to a degradation of the storage capacity of the floodplain;
- (5) Prevent or regulate the construction or placement of obstructions which will unnaturally divert floodwaters or which may lead to an increase in flood hazards to other properties within the watershed; and
- (6) Require that detailed hazard information be developed for any development or redevelopment that could lead to establishment of new flood hazard areas or exacerbation of existing flood hazards.

**Sec. 10-6. Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance meets or exceeds the minimum standards required for community participation in the National Flood Insurance Program and is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the identified flood hazards areas or that development permitted within such areas will be free from flooding or flood damages. This ordinance and its implementation shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**Sec. 10-7. Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes or city charter.

**Sec. 10-8. Abrogation, greater restrictions and effect on zoning ordinance and adopted codes.**

This ordinance is not intended to repeal or abrogate any existing ordinances, including the city's adopted building codes. This ordinance is not intended to amend the Miami Planning and Development Ordinances (Chapter 18), Subdivision Ordinances (Chapter 22) or Zoning Ordinances (Chapter 26) or the regulations contained therein, but the provisions related to protecting subdivisions from flood damage should be considered additional regulations required. This ordinance shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall be governed by this ordinance. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. In the event of a conflict between this ordinance and a provision of state statute, this ordinance shall govern in all matters considered to be those of exclusive local concern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable, except in a case wherein application of the specific requirement would cause a situation in which development that would not be reasonably safe from flooding or that would create a hazard for another property would be permitted.

**Sec. 10-9. Coordination with building codes.**

This ordinance is intended to be administered and enforced in conjunction with the provisions of the city's adopted building codes, which contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Unless otherwise specified herein, the term "adopted building codes" refers to the currently adopted versions of the International Residential Code, International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, National Electrical Code, International Property Maintenance Code all together with any local modifications, amendments, and adopted appendices and any other code hereinafter adopted by the Oklahoma Uniform Building Code Commission and the City of Miami, together with all such modifications, amendments and other changes as the same shall be provided by current or future orders and ordinances of said Commission and the City. In the event of a conflict between a higher regulatory standard contained within this ordinance and a minimum standard provision contained within the city's adopted building codes, the higher regulatory standard shall be applied.

## **Sec. 10-10. Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*Accessory structure* means structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Examples of accessory structures include but are not limited to garages, carports, well houses, and storage sheds.

*Alteration of a watercourse* means an alteration of a watercourse includes, but is not limited to, any dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area or capacity, which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions up to and including the base flood.

*Area of special flood hazard* is the land in the floodplain within the city limits subject to a one (1) percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Base flood elevation (BFE)* is the water surface elevation of the base flood in relation to the datum specified on the FIRM.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Building inspector* means the individual(s) designated in Chapter 6 of the City of Miami Code of Ordinances as responsible for administration and enforcement of building codes.

*Critical facility* means any of the following:

- (1) Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (3) Police stations, fire stations, ambulance stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

*Design flood elevation* means an elevation, greater than that of the base flood, designated within this ordinance and used for regulatory purposes.

*Development* means any manmade change to improved or unimproved real estate,

including but not limited to:

- (1) Construction, placement, repair, remodeling, or demolition of buildings, temporary structures, accessory structures, tanks, oil and gas equipment, or any other structures or appurtenances thereto;
- (2) Grading, filling, paving, drilling, mining, dredging or excavating; or
- (3) Storage of equipment or materials.

*Encroachment* means the advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of a floodplain.

*Existing construction* means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as existing structures.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Miami.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*FEMA* means the Federal Emergency Management Agency.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; and
- (3) The unnatural accumulation of surface water in and around rivers, streams and creeks due to the backwater effect caused by dams or siltation.

*Flood insurance rate map (FIRM)* means the most recent official map of the City of Miami, or the official digital representations thereof, on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Miami.

*Flood insurance study* is the official report provided by FEMA for the City of Miami. The report contains flood profiles, water surface elevation of the base flood, as well as the flood

boundary-floodway map.

*Floodplain administrator* means a person accredited by the OWRB and designated by the city manager to administer and implement laws, ordinances and regulations relating to the management of the floodplains.

*Floodplain development permit* means the official document issued by the floodplain administrator which authorizes performance of a specific development at a certain location within an area of special flood hazard.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police powers. The term describes such state or local ordinances and regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths or duration of associated flooding. Such a system typically includes barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Flood proofing* means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures of all sorts and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in Miami if it ever establishes a historic preservation program that is certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement), or the lowest horizontal structural member of a manufactured home.

*Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Market value* means, for purposes of determining substantial damage and substantial improvement, the value of the structure and any attached improvements. The assessed value of a structure, as determined by the Ottawa County Assessor, shall be presumed to be the market value unless verifiable, reasonable evidence of an alternative valuation is presented to and accepted by the floodplain administrator. The floodplain administrator is ultimately responsible for determining the market value of a structure, although an appeal can be made to the Board of Adjustment.

*New construction* means:

- (1) for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures;
- (2) for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by the City of Miami and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City Miami .

*OWRB* means the Oklahoma Water Resources Board, or its replacement entity.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Start of construction*, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage* means damage of any origin, occurring either as a result of a defined event or over a period of time, sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during the life of the structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed.

*Variance* is a grant of relief to a person or legal entity from a requirement of this

ordinance which permits development in a manner that would be otherwise prohibited. Variances are limited to the minimum necessary to provide relief.

*Violation* means any act or failure to act rendering development non-compliant with the regulations contained in this ordinance. Development undertaken without a valid floodplain development permit is presumed to be in violation until such a permit is obtained. A structure lacking required documentation, including a properly completed elevation certificate, is presumed to be in violation.

*Water surface elevation* means the height, in relation to the datum specified in the adopted flood insurance study, of floods of various magnitudes and frequencies in the riverine floodplain.

*Watercourse* means a lake, river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**Secs. 10-11. - 10-35. Reserved.**

## **Article II. FLOOD HAZARD AREAS**

**Sec. 10-36. Lands to which this ordinance applies.**

This ordinance shall apply to all areas of special flood hazard (the one (1) percent annual chance floodplain) within the jurisdiction of the City of Miami, Oklahoma. Provisions of this ordinance relating to protection of critical facilities shall apply to all areas designated as being within the boundaries of the .2 percent annual chance (five hundred (500) year) floodplain within the jurisdiction of the City of Miami. Mapping standards contained within this ordinance shall apply to all areas within the jurisdiction of the City of Miami.

**Sec. 10-37. Basis for establishing areas of special flood hazard, regulatory floodways and other flood hazard areas.**

The Flood Insurance Study for Ottawa County, Oklahoma and Incorporated Areas, dated September 13, 2019 and published by FEMA, and its accompanying flood insurance rate maps, are hereby adopted. The base flood elevations, delineations of areas of special flood hazard and regulatory floodways, and designation of risk zones including zone X (unshaded), zone X (shaded), and zone AE contained within this study and these maps are hereby adopted. For the purpose of compliance with the regulations contained within this ordinance, letters of map change revalidated or subsequently approved by FEMA will be considered as part of this flood insurance study and of these flood insurance rate maps.

These documents represent the best available data for the purpose of regulating development within areas of special flood hazard and as such shall be permitted to become effective before the official date shown thereon, provided that no permit shall be issued before that official date for any development proposed for an area for which the water surface elevation of the base flood is shown to be lower in these documents than in the previously adopted flood



insurance study (dated August 5, 2010), unless that development would have been permitted based on the water surface elevations contained in that previous study.

**Secs. 10-38. - 10-60. Reserved.**

### **ARTICLE III. - FLOODPLAIN ADMINISTRATOR**

#### **Sec. 10-61. Designation of floodplain administrator.**

The city manager shall, in writing, appoint a floodplain administrator for the purpose of administering and enforcing the provisions of this Article. The floodplain administrator shall have the authority to render interpretations of this ordinance and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this ordinance. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this ordinance without the granting of a variance.

#### **Sec. 10-62. Duties and responsibilities of floodplain administrator.**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain, and make available for inspection when duly requested, all records pertaining to the provisions of this ordinance.
- (2) Review applications for floodplain development permits to ensure that:
  - a. The proposed development will be reasonably safe from flooding and will not cause adverse impacts to any other property within the community;
  - b. All documentation and flood hazard data necessary to evaluate the permit application has been submitted;
  - c. The proposed development is in compliance with the provisions of this ordinance;
  - d. The proposed development will not cause a decrease in the flood carrying capacity of any watercourse.
  - e. All necessary permits and approvals have been obtained from those federal, state and local agencies from which prior approval is required, including those permits required under Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and
  - f. For proposed development consisting of improvements to an existing

structure, the value of the proposed improvements, when combined with the value of all other improvements having occurred over the life of the structure, does not constitute substantial improvement unless the proposed development will result in a structure that is compliant with all applicable floodplain management regulations.

- (3) Approve, approve with modification, or deny floodplain development permit applications and, when approved, cause the issuance thereof.
- (4) Monitor the progress of permitted development, conduct necessary inspections and take appropriate enforcement action.
- (5) Remain aware of unpermitted development and take appropriate enforcement action.
- (6) Issue all necessary notices or orders to ensure compliance with this ordinance.
- (7) Make necessary interpretations as to the exact location of the boundaries of areas of special flood hazard and of the various zones as designated on the adopted flood insurance rate map and determine, for regulatory purposes, exact base flood elevations at a specific point within an area of special flood hazard based on the best available data.
- (8) Ensure that, for areas where base flood elevation data has not been provided, the best available data is used to administer the provisions of this ordinance.
- (9) Ensure that, where a regulatory floodway has not been designated, no development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community unless the community has first made application for a conditional letter of map revision.
- (10) Ensure that, where a regulatory floodway has been designated, no development shall be permitted unless it is demonstrated that the effect of the proposed development will not cause a rise in the water surface elevation of the base flood at any point in the community unless the community has first made application for a conditional letter of map revision.
- (11) Review applications for letters of map revision and conditional letters of map revision and, before providing community endorsement, make a determination that the proposed map change is in the best interest of the Miami and will not serve to create adverse impacts on any property in the community.
- (12) Ensure that the flood-carrying capacity of any altered or relocated watercourse or portion thereof is maintained.
- (13) For any structure located within an area of special flood hazard that sustains damage from any origin, determine whether or not the structure has been substantially damaged.

- (14) Conduct outreach and training for city employees and members of the public related to floodplain management.
- (15) Notify adjacent communities and the OWRB, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- (16) In the event that a structure is found to have been built or substantially improved in violation of this ordinance, take appropriate enforcement action and, after exhausting enforcement remedies, submit a declaration of such violation to FEMA for the purpose of denial of insurance coverage under Section 1316 of the National Flood Insurance Act.
- (17) Coordinate with the city's building inspector to assure that applications for building permits comply with the applicable requirements of this ordinance.
- (18) Notify the OWRB and FEMA of any modifications to the corporate limits of the city.

**Sec. 10-63. Accreditation of floodplain administrator.**

As soon as is practicable following the appointment, the floodplain administrator must be accredited by the OWRB in accordance with Title 82 O.S. §§ 1601—1618, as amended.

**Sec. 10-64. Assistance in times of disaster.**

In times of flooding or other disaster impacting structures within the municipal limits of Miami due to flood hazards, the floodplain administrator, with approval of the city manager, is authorized to request and accept assistance from any qualified source, including floodplain administrators and building inspectors from other communities, staff from federal and state agencies including FEMA and the OWRB, and members of disaster relief organizations including, but not limited to the Oklahoma Floodplain Managers Association's Disaster Response Team.

**Secs. 10-65. - 10-70. Reserved.**

**ARTICLE IV. FLOODPLAIN DEVELOPMENT PERMITS, ELEVATION  
CERTIFICATES AND LETTERS OF MAP CHANGE**

**Sec. 10-71. Establishment of development permit.**

A floodplain development permit is hereby established. No development within an area of special flood hazard shall occur until the property owner and entity intending to complete the work have applied for such a permit, all fees have been paid and such a permit has been issued.

**Sec. 10-72. Permit and inspection fees.**

No application for a floodplain development permit required by this Chapter shall be accepted and no such permit shall be issued until the following fees and the reasonably anticipated inspection fees as determined necessary by the floodplain administrator have been paid to the City in addition to any fee(s) which may otherwise be required by law for the City to collect:

- (1) Existing Construction: \$50.00, includes one (1) inspection  
Additional Inspections: \$25.00 per inspection
- (2) Residential New Construction: \$100.00, includes one (1) inspection  
Additional Inspections: \$25.00 per inspection
- (3) Commercial New Construction: \$150.00, includes one (1) inspection  
Additional Inspections: \$25.00 per inspection
- (4) Accessory Structures: \$50.00, includes one (1) inspection  
Additional Inspections: \$25.00 per inspection

The payment of the fees provided for in this section shall, in no way, relieve the applicant of the obligation to pay any other fee specified by the Miami Code of Ordinances, for building permits, inspection, certificates or approval of sewer connections, water taps, wiring, or other privileges.

For any development requiring submittal of an application for conditional letter of map revision, development involving relocation or alterations to a channel or watercourse, or any development proceeding under a "Zero-Rise Certification", one thousand dollars (\$1,000.00) plus the cost of project review by a registered professional engineer or certified floodplain manager chosen by the floodplain administrator, with these review costs paid directly to the reviewer.

There shall be no permit fee collected from the City of Miami for development limited to regular channel, utility right of way or street and bridge maintenance.

For any permit application submitted after work has begun, a penalty fee equal to three (3) times the fee that would otherwise be applicable shall be collected, provided that this penalty fee may be waived and the originally applicable fee collected in the event that the applicant demonstrates that the error was made in good faith and was not fraudulent or habitual in nature.

For good cause, the floodplain administrator, at the direction of the city manager, may waive or reduce the permit fee for a particular permit, but in which case the City Council must be informed of such action at the next City Council meeting.

**Sec. 10-73. Standards for permit issuance.**

Application for a floodplain development permit must be made on the forms provided by the floodplain administrator. Permit applications must be completed in full and must include all documentation needed to demonstrate compliance with the regulations contained within this Article.

The documentation required will differ based on the nature of the proposed development, and the determination as to what documentation is required will be made by the floodplain administrator. For any type of development, the floodplain administrator may require submission of a detailed site plan prepared by an appropriate design professional that documents the location of any proposed development in relation to the location of floodways, floodplain zones and any natural or manmade feature that may have a bearing on the issuance of a floodplain development permit. The floodplain administrator may also require the submission of topographic data to support a permit application.

The floodplain administrator may, at any time, choose to rely on the best available data in order to make a decision regarding approval or denial of a permit application. Additionally, any permit application may be approved with conditions or restrictions. These conditions or restrictions shall be considered accepted by the applicant upon issuance of the permit and commencement of work. Failure to comply with such conditions or restrictions invalidates the permit and is considered to be a violation subject to criminal prosecution and/or administrative action.

**Sec. 10-74. Permit issuance.**

Approval or denial of a floodplain development permit is subject to the following factors:

- (1) Compliance with the regulations set forth in this Article, including the intent of these regulations to provide for decreased frequency and severity of flooding and to reduce damage to life and property.
- (2) The potential danger to life and property due to damage from flooding or erosion, including the susceptibility of the proposed facility and its contents to flood damage, the safety of access to the property in times of flooding, and the danger that materials may be carried onto other properties by floodwaters.
- (3) The costs of providing governmental services during and after flood conditions.
- (4) The expected height and duration of flooding, the rate of rise of floodwaters, and the expected level of sediment and debris transport during a flood event.
- (5) The necessity of the facility to a location that is susceptible to flooding.
- (6) The relationship of the proposed use to the comprehensive plan and zoning designation for the project area.

**Sec. 10-75. Permit expiration.**

Floodplain development permits are valid for one hundred eighty (180) days. Permits may be extended by the floodplain administrator in cases where active work is occurring on a regular basis but the project has not yet been completed.

**Sec. 10-76. Permit revocation.**

After a permit has been issued, the floodplain administrator may cause a permit to be revoked, or may cause a permit to be suspended pending submission of additional information, or may cause a permit to be modified or restricted, under any of the following circumstances:

- (1) It is determined, based on the best available data, that continuation of the permitted development will result in a condition not reasonably safe from flooding or will result in adverse impacts to other properties anywhere in the watershed;
- (2) It is determined that the permit was issued based on the submission of inaccurate, misleading, or incomplete information;
- (3) It is determined that the permit was issued in error.

**Sec. 10-77. Elevation certificates.**

Any development resulting in a new or substantially improved structure or addition within any area of special flood hazard requires submission of one (1) or more elevation certificates.

Elevation certificates must be completed on the forms authorized and published by FEMA and must bear the seal of an appropriate design professional. Elevation certificates must be completed using a datum matching the datum used in the adopted flood insurance study. Base flood elevations noted on submitted elevation certificates must be based on the best available data and are subject to review and approval by the floodplain administrator.

For any new or substantially improved structure or addition thereto within any area of special flood hazard other than an accessory structure, an elevation certificate showing the proposed elevations of the lowest finished floor and highest adjacent grade for the proposed structure must be submitted with the application for a floodplain development permit ("design elevation certificate"). Before a new or substantially improved structure or addition may be occupied, an elevation certificate based on as-built conditions must be submitted to the floodplain administrator ("as-built elevation certificate"). It is recommended that an additional elevation certificate be completed and submitted after finished grade is established and foundation forms have been set in order to verify that the lowest finished floor elevation will conform to that submitted on the design elevation certificate (pre-construction elevation certificate). For accessory structures, only an as-built elevation certificate is required to be completed and submitted.

**Sec. 10-78. Letters of map change.**

Before community endorsement for an application for letter of map change or conditional letter of map change may be granted, the applicant must submit documentation necessary to demonstrate that the conditions resulting from the development for which the letter of map change is being sought are or will be equivalently protected from flooding as if the property were located within an area of special flood hazard and the provisions of this ordinance were applied.

For letters of map change involving alteration to a watercourse, community endorsement will not be granted unless the application has detailed the full impacts of the proposed change to all properties within the watershed.

**Sec. 10-79. Nonconforming uses and structures.**

Existing uses of property within an area of special flood hazard that do not comply with the provisions of this ordinance may be continued, regardless of change in occupant, so long as the following conditions are all met:

- (1) The use was lawful and proper at the time it was originated;
- (2) The use does not cease for a period exceeding ninety (90) days;
- (3) The primary structure in which the use is conducted is not determined to be substantially damaged or condemned for occupancy; and
- (4) The use is otherwise compliant with all applicable city ordinances and state laws.

In the event that a nonconforming use fails to meet one of these criteria, its nonconforming status is terminated and it must be discontinued unless or until it can be reinitiated in such a way as to be compliant with this ordinance and all other applicable regulations. In the event a nonconforming use is terminated, the floodplain administrator may order all remnants of that use removed from any area of special flood hazard within thirty (30) days, or sooner if these items pose a threat to life or property.

**Sec. 10-80. Design flood elevation.**

The design flood elevation is hereby established to be twenty-four (24) inches above the value established by the adopted flood insurance study as the encroached water surface elevation of the base flood.

**Secs. 10-81. - 10-99. Reserved.**

**Article V. Development Regulations**

**Sec. 10-100. General standards for development within areas of special flood hazard.**

The following standards apply to all new development, substantial improvement, or additions to existing structures within an area of special flood hazard:

- (1) All new construction, substantial improvement, or additions to existing structures shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction, substantial improvement, or additions to existing structures shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction, substantial improvement, or additions to existing structures shall be constructed with materials resistant to flood damage;
- (4) All new construction, substantial improvement, or addition to existing structures shall have the lowest finished floor elevated to the design flood elevation as specified in this ordinance, as certified by an appropriate design professional consistent with the requirements contained within this ordinance;
- (5) All new construction, substantial improvement, or additions to existing structures shall be constructed with electrical, mechanical, plumbing and other service facilities that are designed so as to prevent water from entering or accumulating within the components during conditions of flooding and located such that all components are located at or above the design flood elevation as specified in this ordinance;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (7) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate both infiltration of floodwaters into the system and discharge of system contents into floodwaters.

**Sec. 10-101. Development in areas for which detailed data does not exist.**

In the event that land is proposed to be developed or redeveloped where detailed data, including limits and extents of areas of special flood hazard, base flood elevations, and delineated regulatory floodways with encroached elevations do not exist, the applicant proposing the development must provide such data in a form and format acceptable to the floodplain administrator. Such data must be created in accordance with the mapping and study standards set forth by FEMA.



**Sec. 10-102. Development within regulated floodways.**

Encroachments of any kind within areas designated as regulated floodways are prohibited unless:

- (1) It has been demonstrated through hydraulic and hydrologic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in water surface elevation, peak discharge or velocity at any place in the watershed due to the occurrence of the base flood discharge; or
- (2) The community has applied for and been granted a conditional letter of map change by FEMA.

**Sec. 10-103. Enclosures below design flood elevation.**

For all new construction, substantial improvement, or additions to new structures within an area of special flood hazard, enclosures below the design flood elevation are prohibited.

**Sec. 10-104. Foundation protection.**

All new structures or additions thereto located within an area of special flood hazard must be constructed on a foundation that has been approved by a registered professional engineer as being properly designed to resist erosion, scour, settling and related hazards that accompany floods.

When a building is constructed on fill, the fill must be properly designed and compacted and must extend at least fifteen (15) feet beyond the walls of the structure before dropping below the design flood elevation. The design and actual placement and compaction of the fill must be sufficient to resist erosion, scour, settling and related hazards that accompany floods and must be approved by a registered professional engineer.

**Sec. 10-105. Private sewage disposal systems.**

Installation of new private sewage disposal systems within an area of special flood hazard is prohibited. Maintenance and pumping may be performed to existing systems, provided however, in the event the City should extend its sewer system into an area not presently covered, and major maintenance or repair (involving excavation or replacement of system components) becomes necessary for a private sewage disposal system, the property owner shall be obligated to utilize the City system and in which case the existing private system must be properly abandoned or removed pursuant to the requirements of state law and the city's adopted codes. This provision does not require the City to expand its sewage disposal system in any way.

**Sec. 10-106. Storm shelters.**

Storm shelters or safe rooms being installed in a flood hazard area must be installed above ground or in the alternative it must be installed so that no portion of the shelter is located below the design flood elevation, and, in which case, an elevation certificate will be required to document that the bottom of the lowest horizontal surface of the storm shelter is located at or above the design flood elevation.

**Sec. 10-107. Accessory structures.**

Accessory structures can be located within an area of special flood hazard without having lowest finished floor elevated to or above the design flood elevation under the following limited circumstances:

- (1) (a) The required permits have been obtained; and  
(b) The structure is used only for parking and storage.
- (2) The structure is anchored and located so as not to cause damage to nearby structures in the event of flooding.
- (3) The floor area of the structure does not exceed one hundred fifty (150) square feet.
- (4) The interior of the structure is unfinished and has no utility services other than an electrical connection used for lighting and up to two (2) ground-fault type receptacles, provided that all electrical wiring and fixtures are located above the design flood elevation.
- (5) The structure is constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. If the lowest finished floor of the structure is located below the elevation of the base flood, openings to relieve hydrostatic pressure must be provided.
- (6) The materials used for construction are flood resistant.
- (7) All requirements relating to floodway encroachments are met.

**Sec. 10-108. Manufactured homes.**

Manufactured homes are not permitted to be placed or substantially improved within an area of special flood hazard, whether within or outside of a manufactured home park, unless all requirements of this ordinance are met, including the structure being anchored to prevent flotation and lateral movement, and the structure being placed with the bottom of the lowest horizontal structural member and all utility components elevated to or above the design flood elevation.

**Sec. 10-109. Recreational vehicles.**

Recreational vehicles may not be parked and occupied within an area of special flood hazard. No utility connections to recreational vehicles may occur within an area of special flood hazard.

**Sec. 10-110. Parking.**

Parking is permitted within an area of special flood hazard only if the parking is transient in nature and incidental to a use on the same property, provided.

Other parking, including long term parking, and storage of vehicles, or parking related to a residential use is not permitted within an area of special flood hazard.

**Sec. 10-111. Open storage.**

Open storage is permitted within an area of special flood hazard only when it is necessary due to the location of existing infrastructure that must necessarily be located in low-lying, flood-prone areas, such as waste-water treatment facilities, or that cannot be elevated for functional reasons, such as railroad tracks.

Open storage is not permitted within the boundaries of a regulated floodway.

When open storage is permitted within an area of special flood hazard, all reasonable steps must be taken to ensure that the materials are reasonably safe from flooding, including requiring that materials be anchored in place where possible. An emergency evacuation plan must be submitted and must detail reasonable steps to ensure that the stored material will not adversely impact other properties in the event of flooding.

**Sec. 10-112. Critical facilities and hazardous materials.**

No new or substantially improved critical facilities may be located within the area commonly known as the five hundred-year floodplain (delineated as zone X (shaded) on the adopted flood insurance rate map).

Hazardous materials may not be stored within an area of special flood hazard. No new storage tanks for hazardous materials may be placed within an area of special flood hazard except for replacement tanks for existing nonconforming uses, provided that these existing tanks are elevated to or above the design flood elevation and are anchored to resist flotation and lateral movement.

New facilities for oil and gas extraction are prohibited within an area of special flood hazard.

**Sec. 10-113. Additional standards for subdivisions within areas of special flood hazard.**

Any proposed subdivision that is entirely or partially within an area of special flood hazard is subject to the following requirements, which are supplemental to the requirements for subdivisions set forth in the Miami Planning and Zoning Ordinance:

- (1) Pursuant to this ordinance, detailed flood data must be developed for all proposed subdivisions.
- (2) Proposed subdivision plats must graphically depict the limits of areas of special flood hazard and the boundaries of regulated floodways.
- (3) Areas of special flood hazard appearing on a proposed subdivision plat must be maintained as open space to be maintained by the applicant or by a bona fide property owners' association, with the plat applicant being responsible for any failure on the part of the applicant or property owners' association. An easement in favor of the city must be granted.
- (4) All proposed building sites within a proposed subdivision must be accessible by a road that is elevated to or above the elevation of the five hundred-year flood.
- (5) All subdivisions must have public utilities constructed in such a way as to minimize or eliminate the possibility of flood damage.

**Secs. 10-114. - 10-119. Reserved.**

**Article 6. Enforcement**

**Sec. 10-120. Notices and orders.**

The floodplain administrator may issue notices or orders necessary to ensure compliance with the provisions of this ordinance.

**Sec. 10-121. Violations.**

Failure to comply with a provision of this ordinance is a violation of the Code of Ordinances, punishable under the provisions of Sec. 1-5. Failure to comply with a notice or order issued pursuant to this ordinance is a separate violation of the Code of Ordinances, punishable under the provisions of Sec. 1-5. Each day a violation is allowed to persist is a new violation.

**Sec. 10-122. Abatement of violations and emergency measures.**

The City of Miami may act to abate a nuisance created by violation of a provision contained within this article. A minimum of ten (10) days written notice shall be given by mail

and posting on the property, after which the violation may be abated by city employees or a private contractor. After assessment of the abatement costs by the City Council, the actual costs of the abatement plus a fee representative of administrative costs shall be charged to the owner and, if not paid, shall become a lien against the property having been abated. In the event that the same violation reoccurs within six (6) months, it may be abated with no further notice required. Unpaid abatement costs are grounds for immediate termination of city utility service and termination of any certificates of occupancy for the affected property.

If a violation of this Chapter has the potential to cause imminent harm to any person or property within the watershed, the floodplain administrator may cause the violation to be abated immediately and by any means available. As soon as is practicable following the abatement action, notice of the abatement shall be given to the owner of the property. Procedures for assessment of costs and abatement shall be as specified in the Miami Code of Ordinances.

**Sec. 10-123. Designation of body to hear appeals and variances.**

The City of Miami Board of Adjustment is hereby designated as the body authorized to hear appeals and variances. The board shall have the power to hear testimony necessary to make a decision. The board shall have the power to subpoena witnesses and evidence. Failure of the applicant for appeal or variance to provide evidence, including detailed technical data, or testimony requested by the board may be grounds for denial of the appeal or variance.

**Sec. 10-124. Notice of appeal and form of application for appeals and variances.**

Applications for appeals and variances must be made on forms created by the floodplain administrator. Applications must contain all information required by the floodplain administrator.

**Sec. 10-125. Application fee.**

The filing fee for an appeal or variance is one hundred dollars (\$100.00).

**Sec. 10-126. Appeals.**

Any person aggrieved by a decision or interpretation made by the floodplain administrator may appeal that decision to the body designated in this ordinance.

Written notice of appeal must be filed with the floodplain administrator no later than five (5) days following the first day on which the aggrieved person is made aware that of the decision or interpretation being appealed has been made. Before a hearing can be held on an appeal, written notice must be made to all property owners adjacent to the property for which the appeal is being sought and to the OWRB. This notice should be made by mail no later than ten (10)

days before the hearing date.

Appeals will be granted only in the case of a clear error in decision or interpretation by the floodplain administrator and may not serve to suspend enforcement of any provision of this Chapter.

Notice of final action on any appeal application must be sent to the applicant and the OWRB no later than fifteen (15) days following the date of the action.

### **Sec. 10-127. Variances.**

Any person seeking a variance from one (1) or more provisions of this ordinance may file an application for variance with the Miami Board of Adjustment.

In no case shall a variance be granted that would allow development that is not reasonably safe from flooding.

Variances shall only be issued upon demonstration that the following criteria have been met:

- (1) Submission by the applicant of a technical justification showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site renders the elevation standards inappropriate;
- (2) A determination that failure to grant the variance would result in exceptional hardship by rendering the lot unreasonably undevelopable, considering the flood hazard;
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threat to public safety or extraordinary public expense; and
- (4) A determination that the variance is the minimum necessary, considering flood hazard, to afford relief.

No variance shall be granted to permit development within a regulated floodway that would result in an increase in the elevation of the base flood at any point in the watershed.

If a variance is granted to permit construction of a structure with its lowest finished floor below the design flood elevation, the applicant must be provided with written notice stating that construction below the design flood elevation increases risks to life and property. If a variance is granted to permit construction of a structure with its lowest finished floor below the elevation of the base flood, the applicant must be provided with written notice stating that the cost of flood insurance obtained through the National Flood Insurance Program will be commensurate with the increased risk resulting from the reduced finished floor elevation.

If a variance is granted, no permit for development shall be issued until the owner of the property in question has provided the following:

- (1) Evidence that an instrument has been filed with the county clerk stating that a

variance has been issued for this property and the property is at higher risk for damage from flooding;

- (2) Evidence that an instrument has been executed to indemnify the City of Miami against any and all claims relating to damages arising to or from the development for which the variance was granted.

A variance is authorized to be granted, without regard to the specific requirements set forth in this section, for the repair, improvement or rehabilitation of a historic structure, as defined in this ordinance, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure. If the proposed work precludes the structure's continued designation as a historic structure, a variance shall not be granted and the structure shall be subject to the requirements of this ordinance and the building codes.

A variance is authorized to be granted, without regard to the specific requirements set forth in this section, for the development necessary to conduct a functionally dependent use, provided that the variance is the minimum necessary and that all due consideration has been given to methods and materials that minimize flood damages during any base flood.

Notice of final action on any variance application must be sent to the applicant and the OWRB no later than fifteen (15) days following the date of the action.