

**CITY OF BAYOU LA BATRE
ORDINANCE NO.: 2005- 505**

**AN ORDINANCE TO AMEND THE CITY OF BAYOU LA BATRE
FLOOD PREVENTION DAMAGE ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYOU LA
BATRE AS FOLLOWS:**

SECTION I: AMENDMENTS

1. **THAT** of Article 6 of Ordinance 409 entitled Definitions, the following definitions be and are deleted and replaced in their entirety as follows:

“Substantial damage” means damage of any origin sustained by a structure whereby the costs of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the costs of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either; (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions

or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation of a "historic structure."

SECTION 2: REPEALER

That any Ordinance(s) or part(s) thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed. All other portions of Ordinance 409 and 409-A not expressly referred to herein shall remain the same.

SECTION 3: SEVERABILITY

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

SECTION 4: EFFECTIVE DATE

That this Ordinance shall become effective after the date of its approval and adoption by the City Council of the City of Bayou La Batre and publication as required by law.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYOU LA BATRE, ALABAMA THIS 24th DAY OF October, 2005.



STAN WRIGHT, MAYOR

ATTEST:



DONNA GAINNEY, CITY CLERK