

Proposed Legislation Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Berm means an earthen mound designed with impermeability to resist the flow of tidal waters through to an adjacent property or public rights-of-way.

Canal bank or berm is the level space separating a waterway from an inland area, often elevated and constructed of compacted soil.

Tidal flood barrier means any structure or shoreline feature, including but not limited to, berms, canal banks, green-grey infrastructure, mooring structures, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public rights-of-way, located within or along a tidally-influenced area. This definition is not meant to include rip rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

Green-grey infrastructure or materials is a combination of engineered and natural features that provide environmental qualities and ecosystem value.

NAVD88 or the North American Vertical Datum means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Public nuisance means injurious to the safety or health of the entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any public right-of-way.

Rip-rap means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

Seawall means the vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control.

Seawall cap means the concrete box structure (usually reinforced) which connects seawall panels, piles and anchoring system (if present) together at the top.

Shoreline means the tidally influenced area where land meets water.

Minimum Elevations for Coastal Infrastructure within Tidally-Influence Areas.

- a) All new or substantially rehabilitated seawalls, seawall caps, canal banks or berms

shall perform as tidal flood barriers. Tidal flood barriers shall have a minimum elevation of 5.7 feet NAVD88. The minimum top of wall elevation required when restoring/ repairing a tidal flood barrier is 4.0 ft. (NAVD 88), unless part of right-of-way project. However, the structural design shall accommodate a future retrofit for a height extension up to a minimum elevation of 5.7 ft. NAVD. When existing tidal flood barriers are disturbed as part of a right-of-way project or substantial modification to a private property they must be raised to a minimum elevation of 5.7 ft. NAVD.

- b) All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way. Failure to maintain flood mitigation infrastructure shall be a citable offense. The owner of the tidal flood barrier shall demonstrate progress towards repairing the cited defect within ninety (90) days of receiving notification and complete repairs within five hundred forty days (540) of receipt of the citation. If the required repair meets the substantial repair threshold, the property owner shall design, obtain permits, and cause to be constructed seawall improvements that meet the minimum elevation and design requirements within five hundred forty (540) days of receipt of the citation.
- c) Property owners with seawalls below the minimum elevation set forth in Section 54-62(a), or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a design professional (including contractors) or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within ninety (90) days of receiving notice from the city and complete the proposed remedy within five hundred forty (540) days of citation.