

City of Delano
County of Wright
State of Minnesota

Ordinance O-24-05

work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

13.23 Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.

- A. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all improvements completed since the community has adopted floodplain standards impacting this structure.
- B. If any nonconforming structure experiences a repetitive loss, as defined in Section 2.0 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.

13.24 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 14.0 VIOLATIONS AND PENALTIES

14.1 Uses in Violation of the Ordinance. Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

14.2 Civil Remedies. The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Delano or the Department of Natural Resources.

14.3 Enforcement. Violations of the provisions of this ordinance constitute a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Delano must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.