

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 80

An Act to amend and reenact § 10.1-603.19 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 10.1-606.1, relating to the mapping of dam break inundation zones.

[H 2031]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-603.19 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-606.1 as follows:

§ 10.1-603.19. Purposes for which Fund is to be used.

A. The Director is authorized to make grants or loans to any city, county, town, water authority, service authority or taxing district for the purpose of assisting the local public body in the development and implementation of flood prevention or protection projects, or for flood prevention or protection studies. Grants or loans from the Fund for flood prevention or protection projects, or for flood prevention or protection studies may match, but shall not exceed, the amount of contribution derived from local funds. No grant or loan award for flood prevention or protection projects, or for flood prevention or protection studies, individually or in combination for a single project, shall exceed ~~twenty-five~~ 25 percent of the unencumbered balance of the fund as determined at the beginning of the fiscal year.

B. The Director is authorized to expend from the Fund up to \$50,000 annually, but no more than ~~ten~~ 10 percent of the Fund's balance, which shall be utilized as cost share with federal agencies in flood protection studies of statewide or regional significance.

C. The Director is also authorized, in order to protect public safety and welfare, to make grants or loans to local public bodies owning dams and to make loans to private owners for the design, repair and the safety modifications of dams identified in safety reports generated pursuant to § 10.1-607 or § 10.1-609, *and to make grants for the mapping and digitization of dam break inundation zones.* The Director shall develop grant and loan guidelines for the funds awarded under this subsection.

§ 10.1-606.1. *Authority for localities to map inundation zones.*

A. Any county, city, or town may map inundation zones and is encouraged to incorporate such information into its zoning and subdivision ordinances. Such localities may regulate or limit future development in these areas. However, in no event shall this section be interpreted to supersede or conflict with the authority granted to the Department of Mines, Minerals and Energy for the regulation of mineral extraction activities in the Commonwealth as set out in Title 45.1.

B. The Director may utilize grant funding available from the Flood Prevention and Protection Assistance Fund and other available sources of funding to assist localities in the development of these maps, provided the localities contribute a local match. The highest priority for awarding funds shall be placed on assisting with the mapping of the highest class of dams.

C. Such maps shall be made available by the locality to the dam owner and the public. All properties identified within the inundation zone shall be incorporated into the dam safety emergency action plan of that dam so as to ensure the proper notification of persons downstream and other affected persons or property owners in the event of a flood hazard or the impending failure of the impounding structure.