

§ 143-215.52. Definitions.

- (a) As used in this Part:
- (1) "Artificial obstruction" means any obstruction to the flow of water in a stream that is not a natural obstruction, including any that, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream.
 - (1a) "Base flood" or "100-year flood" means a flood that has a one percent (1%) chance of being equaled or exceeded in any given year. The term "base flood" is used in the National Flood Insurance Program to indicate the minimum level of flooding to be addressed by a community in its floodplain management regulations.
 - (1b) "Base floodplain" or "100-year floodplain" means that area subject to a one percent (1%) or greater chance of flooding in any given year, as shown on the current floodplain maps prepared pursuant to the National Flood Insurance Program or approved by the Department.
 - (1c) "Department" means the Department of Public Safety.
 - (1d) "Flood hazard area" means the area designated by a local government, pursuant to this Part, as an area where development must be regulated to prevent damage from flooding. The flood hazard area must include and may exceed the base floodplain.
 - (2) Repealed by Session Laws 2000, c. 150, s. 1, effective August 2, 2000.
 - (3) "Local government" means any county or city, as defined in G.S. 160D-102.
 - (3a) "Lowest floor", when used in reference to a structure, means the lowest enclosed area, including a basement, of the structure. An unfinished or flood resistant enclosed area, other than a basement, that is usable solely for parking vehicles, building access, or storage is not a lowest floor.
 - (4) "Natural obstruction" includes any rock, tree, gravel, or other natural matter that is an obstruction and has been located within the 100-year floodplain by a nonhuman cause.
 - (4b) "Secretary" means the Secretary of Public Safety.
 - (5) "Stream" means a watercourse that collects surface runoff from an area of one square mile or greater.
 - (6) "Structure" means a walled or roofed building, including a mobile home and a gas or liquid storage tank.
- (b) As used in this Part, the terms "artificial obstruction" and "structure" do not include any of the following:
- (1) An electric generation, distribution, or transmission facility.
 - (2) A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility.
 - (3) A water treatment or distribution facility, including a pump station.
 - (4) A wastewater collection or treatment facility, including a lift station.
 - (5) Processing equipment used in connection with a mining operation.
- (c) As used in applying this Part to airport projects, in addition to any other applicable definitions in this section where those definitions do not conflict:
- (1) "Airport authority" means any authority that is authorized or governed by Chapter 63 of the General Statutes or other laws enacted by the General Assembly to acquire, establish, construct, maintain, improve, and/or operate airports or other air navigation facilities; provided, however, that this definition of "airport authority" shall not include any local government as defined by this section.

- (2) "Airport project" includes any "airport facility," as that term is defined under 15A NCAC 02B .0610, including any structure or area used in connection with the construction, reconstruction, repair, or other similar action as to any such airport facility.
- (3) "Eligible flood hazard area" means a flood hazard area to which all of the following criteria apply:
 - a. For which a no-rise certificate has been accepted by the Department.
 - b. That is part of or connected to an airport project.
 - c. That will not involve the construction of a structure, as that term is defined in 44 C.F.R. § 59.1, within the eligible flood hazard area.
 - d. Use of the area will be consistent with the technical criteria contained in 44 C.F.R. § 60.3 for flood-prone areas.
 - e. For which no local government has a clearly demonstrated statutory authority to issue a permit for use of the eligible flood hazard area pursuant to Part 6 of this Article.
- (4) "No-rise certificate," "no-rise certification," or "no-rise/no-impact certification," or similarly denominated certificate or action that has been accepted by the Department as demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (5) "Permit" means any permit, license, or similar approval that grants the right to use of one or more flood hazard areas consistent with the requirements of this Part. (1971, c. 1167, s. 3; 2000-150, s. 1; 2011-145, s. 19.1(g); 2023-137, s. 22(a).)