

ORDINANCE #5

FLOOD PLAIN MANAGEMENT

SECTION I - STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

A. The Legislature of the State of Iowa has in Chapter 331, Code of Iowa, as amended, delegated the power to Counties to exercise any power and perform any function it deems appropriate to protect and preserve the right, privileges and property of the County or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

B. Findings of Fact

1. The flood hazard areas of Carroll County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards and related adverse affects are caused by: (1) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (2) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of the ordinance to protect and preserve the rights, privileges and property of Carroll County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in section IB2 with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the national flood insurance program.

SECTION II - GENERAL PROVISIONS

A. Lands to which ordinance apply

The provisions of this ordinance shall apply to all areas having special flood hazards within the jurisdiction of Carroll County. For the purpose of this ordinance, the special flood hazard areas are those areas designated as Zone A on the flood insurance rate map for Carroll County, as amended, which is hereby adopted and made a part of this ordinance.

B. Rules for interpretation of flood hazard boundaries

The boundaries of the special flood hazard areas shall be determined by scaling distances on the official flood insurance rate map. When an interpretation is needed as to the exact location of a boundary, the zoning administrator shall make the necessary interpretation. Areas that are subject to this ordinance are all areas in the County that are subject to flooding both the partial area that is identified as a flood plain and also those areas in the County that are subject to flooding but not officially identified.

C. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.

D. Abrogation and greater restrictions

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

E. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

F. Warning and disclaimer of liability

The standards required by this ordinance are considered reasonable for regulatory purposes. This ordinance does not imply that area outside the designated special flood hazard areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Carroll County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION III - STANDARDS FOR FLOOD PLAIN DEVELOPMENT

All uses shall meet the following applicable performance standards. Where needed, the Department of Natural Resources shall be contacted to compute 100-year flood elevation and floodway data.

A. All development within the special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damages.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Structures:

1. New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one (1) foot above the 100-year flood level.
2. New or substantially improved non-residential structures shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the flood proofed) shall be maintained by the administrator.
3. All new and substantially improved structures:
 - A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

I) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided,

II) The bottom of all openings shall be no higher than one foot above grade,

III) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Factory-built homes:

1. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.

2. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

D. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this section.

E. Utility and sanitary systems

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters.

2. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damaged or impaired systems.

F. Watercourse alterations or relocation's must be designed to maintain the flood carrying capacity within the altered or relocated portion.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters, or

2. Be readily removable after flood warning.

SECTION IV - ADMINISTRATION

A. Appointment, duties, and responsibilities of flood plain administrator

1. The zoning administrator is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the administrator.

2. Duties of the administrator shall include, but not necessarily be limited to the following:

A. Review all flood plain development permit applications to assure that the provisions of this ordinance will be satisfied.

B. Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

C. Record and maintain a record of the elevation (in relation to national geodetic vertical datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

D. Record and maintain a record of the elevation (in relation to national geodetic vertical datum) to which all new or substantially improved structures have been flood proofed.

E. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the federal emergency management agency.

F. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.

B. Flood plain development permit

1. Permit required - a flood plain development permit issued by the administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for permit - application shall be made on forms furnished by the administrator and shall include the following:

A. Description of the work to be covered by the permit for which application is to be made.

B. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description that will readily identify and locate the work to be done.

C. Indication of the use or occupancy for which the proposed work is intended.

D. Elevation (in relation to national geodetic vertical datum) of the lowest floor (including basement) of buildings.

E. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

F. For developments involving more than 5 acres, the elevation of the 100-year flood.

G. Such other information as the administrator deems necessary for the purpose of the ordinance.

3. Procedure for acting on permit - the administrator shall make a determination as to whether the flood plain development, as proposed, meets the applicable provisions of Section III and shall approve or disapprove the application. In reviewing the proposed development, the administrator shall obtain, review and reasonably utilize any available flood plain information or data from federal, state or other sources.

C. Subdivision review

The administrator shall review all subdivision proposals within the special flood hazard

areas to assure that such proposals are consistent with the purpose and spirit of this ordinance and shall advise the Board of Supervisors of potential conflicts. Flood plain development in connection with a subdivision (including installation of public utilities) shall require a flood plain development permit as provided in Section IV B1. For proposals greater than 50 lots, the subdivider shall be responsible for providing flood elevation data.

SECTION V - DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so to give this ordinance its most reasonable application.

Basement: Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Factory-built: Any structure, designed for residential use, which is wholly or in home substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance, factory-built homes include mobile homes, manufactured homes, modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Factory-built subdivision: A parcel (or contiguous parcels) of land divided into two or more home park or factory-built home lots for sale or rent.

Flood: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Floodway: The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

Lowest floor: The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- A) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section III B3.A and
- B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least 1.0 ft. above the 100-year flood level, and
- D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A,B,C, and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

Recreational: Recreational vehicle means a vehicle which is: (a) built on a vehicle single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

Special flood: The land within a community subject to a one percent or greater hazard area chance of flooding in any given year. This land is identified as Zone A on the flood insurance rate map. Areas that are subject to this ordinance are all areas in the County that are subject to flooding both the partial area that is identified as a flood plain and also those areas in the County that are subject to flooding but not officially identified.

Structure: Anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

Substantial: Damage of any origin sustained by a structure whereby the cost damage of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial: Any improvement to a structure which satisfies either of the improvement following criteria:

- A) Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the

actual repair work performed. 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 officer and which are the minimum necessary to assure safe living conditions or (2) any alteration will not preclude the structure's continued designation as a "historic structure".

B) Any addition which increases the original floor area of a building by 25% or more. All additions constructed after June 17, 1986 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

100-Year Flood: A flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

Passed and adopted this 8th day of February, 1993 by the Carroll County Board of Supervisors.

s/ Neil Trobak/Chairman, Board of Supervisors

s/ Floyd B. Klocke

s/ Neil J. Bock

s/ Arden Hinners

s/ Diane Schreck

Attest: Paul S. Fricke/County Auditor