

FLOOD PLAIN MANAGEMENT ORDINANCE

SECTION I - Statutory Authority, Finding 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 rights, 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. Finding of Fact

1. The flood hazard areas of Kossuth County, Iowa 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 which adversely affect the public health, safety and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by; (i) the occupancy of flood hazard areas by users vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) 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 this ordinance to protect and preserve the rights, privileges and property of Kossuth County, Iowa 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 1B2 with provisions designed to;

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood of which cause the 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 Kossuth County Iowa. 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 Kossuth County Iowa, 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 Chairperson for the the County Planning and Zoning Commission shall make the necessary interpretation.

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 be 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 areas 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 Kossuth County, Iowa 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 area shall;

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
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 floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing 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 National Geodetic Vertical Datum) to which any structures are floodproofed 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 designated 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 must 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 bouyancy.
 - 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 subdivision, 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 into the system as well as 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 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 relocations 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 Secretary
 1. The Secretary, Kossuth County Planning and Zoning Commission is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Secretary.
 2. Duties of the Secretary 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 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 elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been floodproofed.
 - e. Notify adjacent communities/counties and Department of Natural Resources prior to any proposed alteration or relocation of a water course and submit evidence of such notification 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 Secretary shall be secured prior to any flood plain development (any man-made changes to improved and unimproved real estate, including but not limited to building or other structures, mining, filling, grading, paving, excavation or drilling operations) , including the placement of factory-built homes.
2. Applications for Permit: Applications shall be made on Forms for which application is to be made.
 - 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 other similar descriptions) 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 building 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 as necessary for the purpose of this ordinance.
3. Procedure for acting on permits; The Secretary 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 proposed development, the Secretary shall obtain, review and reasonably utilize any available flood plain information or data from Federal, State or other sources.

C. Subdivision Review

The Secretary 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 subdivision (including installation of public utilities) shall require a Flood Plain Development permit as provided in Section IV-B.1. 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 as 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 HOME	Any structure designed for residential use, which is wholly or in 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 and 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 HOME PARK OR SUBDIVISION	A parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.
FLOOD	A temporary rise in streams 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.
FLOODPROOFING	Any combination of structural and nonstructural 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 effect of bouyancy.
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 (i.e.) 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 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

SPECIAL FLOOD HAZARD AREA

The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the Flood Insurance Rate Map.

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 IMPROVEMENT Any improvement to a structure which satisfies either of the following criteria;

- (a) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.

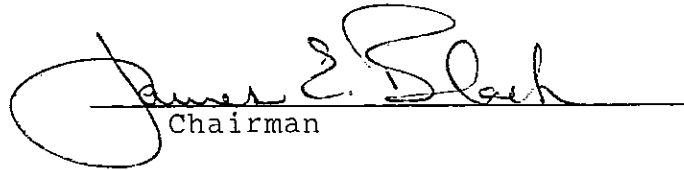
- (b) Any addition which increases the original flood area of a building by 25 percent or more. All additions constructed after September 15, 1991 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

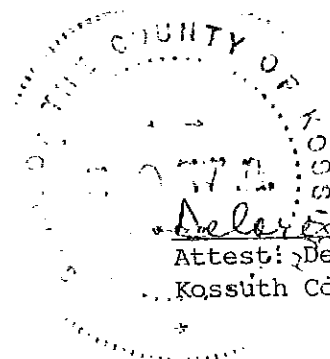
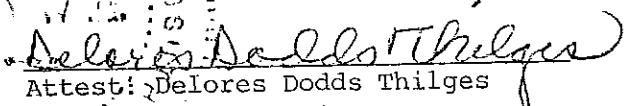
100 YEAR FLOOD

A flood, the magnitude of which as a one percent chance of being equalled or exceeded in any given year or which, on the average, will be equalled or exceeded at least once every 100 years.

ADOPTED AND PASSED by the Board of Supervisors of the County of

Kossuth this 17 day of September, 1991

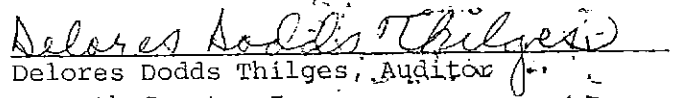

Chairman



Attest: Delores Dodds Thilges
Kossuth County Auditor

CERTIFICATE

- I, Delores Dodds Thilges, do hereby certify that I am the Auditor of Kossuth County, Iowa, and the keeper of the records and of the corporate seal of Kossuth County, Iowa, under the laws of the State of Iowa, and that the above is a true and correct copy of a ordinance duly adopted at a meeting of the Board of Supervisors of Kossuth County, Iowa, held September 17, 1991, pursuant to notice to the public published in the Algona Upper Des Moines as provided by law, and that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have affixed my name as Auditor and have caused the corporate seal of Kossuth County, Iowa, to be affixed this 17 day of September, 1991.


Delores Dodds Thilges, Auditor
Kossuth County, Iowa