

ORDINANCE 617

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVANSDALE, IOWA, BLACK HAWK COUNTY, BY AMENDING PROVISIONS PERTAINING TO FLOOD PLAIN REGULATIONS

BE IT ENACTED by the City Council of the City of Evansdale, Iowa:

SECTION 1. NEW DEFINITIONS. The Code of Ordinances of the City of Evansdale, Iowa, is amended by adding new definitions to Section 165.02, entitled **DEFINITIONS**, which are hereby adopted to read as follows:

FLOOD INSURANCE STUDY (FIS) - A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the community with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c) Basement sealing;
- d) Repairing or replacing damaged or broken window panes;
- e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SECTION 2. DEFINITION MODIFIED. Section 165.02, Definition entitled **SUBSTANTIAL DAMAGE** of the Code of Ordinances of the City of Evansdale, Iowa is repealed and the following adopted in lieu thereof:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SECTION 3. SECTION MODIFIED. Section 165.03 of the Code of Ordinances of the City of Evansdale, Iowa, Black Hawk County, is repealed and the following adopted in lieu thereof:

165.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Black Hawk County and Incorporated Areas, City of Evansdale, Panels 19013C0306F, 0307F, 0308F, 0309F, 0328F, dated July 18, 2011, which were prepared as part of the Black Hawk County Flood Insurance Study, shall be

used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study for the County of Black Hawk is hereby adopted by reference and is made a part of this Chapter for the purpose of administering flood plain management regulations.

SECTION 4. SUBSECTION MODIFIED. Subsection 3 of Section 165.08 of the Code of Ordinances of the City of Evansdale, Iowa, Black Hawk County, is repealed and the following adopted in lieu thereof:

NONRESIDENTIAL BUILDINGS. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one 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 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 North American Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.

SECTION 5. SUBSECTIONS MODIFIED. Subsections 3 and 4 of Section 165.11 of the Code of Ordinances of the City of Evansdale, Iowa, Black Hawk County, is repealed and the following adopted in lieu thereof:

3. Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures.
4. Record and maintain a record of the elevation (in relation to North American Vertical Datum) to which all new or substantially improved structures have been flood-proofed.

SECTION 6. SUBSECTION MODIFIED. Subsection 5 of Section 165.13 of the Code of Ordinances of the City of Evansdale, Iowa, Black Hawk County, is repealed and the following adopted in lieu thereof:

5. Floor Elevation. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.

SECTION 7. NEW SECTION. The Code of Ordinances of the City of Evansdale, Iowa, is amended by adding a new Section 165.21, entitled PENALTIES FOR VIOLATION, which is hereby adopted to read as follows:

165.21 PENALTIES FOR VIOLATION. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$750.00 (SEVEN HUNDRED FIFTY) or each repeat offense not to exceed \$1,000.00 (ONE THOUSAND DOLLARS). Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Evansdale from taking such other lawful action as is necessary to prevent or remedy violation. The requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

SECTION 8. REPEALER. All ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 10. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED BY THE EVANSDALE CITY COUNCIL ON THIS
_____ DAY OF _____ 2011.

First Reading: 04/19/2011
Second Reading: 05/03/2011
Third Reading: WAIVED

ATTEST:

Chad Deutsch, Mayor

Becky Walters, City Clerk

I certify that the foregoing was published as Ordinance 617 on the _____ day of _____, 20_____.

Becky Walters, City Clerk