

ORDINANCE # 2002-04

AN ORDINANCE ADOPTING FLOOD DAMAGE PREVENTION REGULATIONS FOR THE VILLAGE OF HIGGINSPORT, BROWN COUNTY, STATE OF OHIO

WHEREAS, the flood hazard areas of the Village of Higginsport, Ohio, are subject to periodic inundation which may result in the 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.

THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF HIGGINSPORT, OHIO, A MAJORITY OR MORE OF ALL MEMBERS THERETO CONCURRING:

Section 1: That the following Flood Damage Prevention Regulations, attached hereto and incorporated herein, be adopted by the Village of Higginsport, Ohio.

Section 2: This Ordinance shall be in full force and effect from the earliest date allowed by law.

Passed this 11 Day of MARCH, 2002.

Attest:

Woodie Fowler

James M. Adams
Mayor

Approved:

Jerry Green
Clerk

**SPECIAL PURPOSE
FLOOD DAMAGE PREVENTION ORDINANCE**

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of Village of Higginsport
(governing body) (local unit)

State of Ohio does ordain as follows:

1.2 FINDINGS OF FACT

(1) The flood hazard areas of Village of Higginsport are subject to periodic inundation
(local unit)
which may 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.

(2) Uses that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

(7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

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

"Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

"Appeal" means a request for review of the M. H. J. O. R.'s
(local administrator)
interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of

flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Development" means 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 or storage of equipment or materials.

"Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters, and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

"Flood Insurance Study" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Historic structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- (4) Individually listed on the inventory of historic places maintained by Village of Hugginsport whose historic preservation program has been certified by the (local unit) Ohio Historic Preservation Office.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in this ordinance for enclosures below the lowest floor.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.

"Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.

"New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Hugginsport's Flood (local unit) Insurance Rate Map, and includes any subsequent improvements to such structures.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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:

- (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 prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

(3) Any improvement to a structure which is considered new construction.

"Variance" means a grant of relief from the standards of this ordinance consistent with the variance conditions herein.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Village of Higginsport as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development referenced in Section 3.2, including any additional areas of special flood hazard annexed by the Village of Higginsport.

(local unit)

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard have been identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development in a scientific and engineering report entitled "Flood Insurance Study for the Village of Higginsport." This study, with accompanying Flood

Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated Nov 21, ²⁰⁰¹19 , and, for areas annexed by the Village of Higginsport, the "Flood Insurance Study

for the Brown Co., with accompanying Flood boundary and Floodway Maps and/or

(adjoining community)
Flood Insurance Rate Maps dated Nov. 21, ²⁰⁰¹19 , and any revisions thereto is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at 304 Washington Street, Higginsport, OH, 45131.

(address)

3.3 COMPLIANCE

No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this ordinance and all other applicable regulations which apply to uses within the jurisdiction of this

ordinance, unless specifically exempted from filing for a development permit as stated in Section 4.2, EXEMPTION FROM FILING A DEVELOPMENT PERMIT.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this ordinance may be in conflict with a state law, such state law shall take precedence over the ordinance.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of Village of Higginsport, any officer or employee thereof, or the *(local unit)*

Federal Emergency Management Agency, for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.7 VIOLATIONS AND PENALTIES

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person who violates this ordinance or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Higginsport. Each *(local unit)*

day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Higginsport from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Higginsport shall prosecute any violation of this ordinance in accordance with the penalties stated herein.
(local unit) (local unit)

3.8 SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained from the Mayor before construction or development begins within any area of special flood hazard established in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. Application for a Development Permit shall be made on forms furnished by the Mayor and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

(local administrator)

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;
- (2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be floodproofed in accordance with Section 5.2-2(1) where base flood elevation data are utilized from any source;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2(1) where base flood elevation data are utilized from any source;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.

4.2 EXEMPTION FROM FILING A DEVELOPMENT PERMIT

An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this ordinance.

4.3 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR

The Mayor
(local administrator) is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.4 DUTIES AND RESPONSIBILITIES OF THE Mayor (local administrator)

The duties and responsibilities of the Mayor
(local administrator) shall include but are not limited to:

4.4-1 PERMIT REVIEW

(1) Review all development permit applications to determine that the permit requirements of this ordinance have been satisfied.

(2) Review all development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

(3) Review all development permit applications to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may

also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 5.3-1 is met.

- (4) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this ordinance.

4.4-2 USE OF OTHER BASE FLOOD ELEVATION AND FLOODWAY DATA

Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Mayor

(local administrator)

shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 5.2-6, SPECIFIC STANDARDS, Subdivisions and Large Developments, in order to administer Section 5.2-1, SPECIFIC STANDARDS, Residential Construction; 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction; and where floodway data are available, administer Section 5.3, FLOODWAYS.

4.4-3 INFORMATION TO BE OBTAINED AND MAINTAINED BY THE _____

Village of Higginsport
(local unit)

Where base flood elevation data are utilized within areas of special flood hazard on the Village of Higginsport's Flood Insurance Rate Map, regardless of the source of such

data, the Mayor shall:
(local administrator)

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
- (2) For all new or substantially-improved floodproofed nonresidential structures:
 - (i) verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - (ii) maintain the floodproofing certifications required in Section 4.1-3.
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and

Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.

4.4-4 ALTERATION OF WATERCOURSES

(1) Notify adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

(2) Maintain engineering documentation required in Section 4.1(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.

(3) Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

4.4-5 INTERPRETATION OF FLOOD BOUNDARIES

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0, VARIANCE PROCEDURE.

4.4-6 ALTERATION OF COMMUNITY BOUNDARIES

Upon occurrence, notify FEMA in writing whenever the boundaries of the Village of Higginsport (local unit) have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Higginsport (local unit)'s Flood Insurance Rate Map accurately represent the Village of Higginsport (local unit)'s boundaries, include within such notification a copy of a map of the Village of Higginsport (local unit) suitable for reproduction, clearly delineating the new corporate limits or the new area for which the Village of Higginsport (local unit) has assumed or relinquished floodplain management regulatory authority.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to or above the base flood level, the requirements for Section 5.1-1, Anchoring, and Section 5.1-2, Construction Materials and Methods, are satisfied.

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All manufactured homes, not otherwise regulated under the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 UTILITIES

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by state or local law:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section 5.2-6, SUBDIVISIONS AND LARGE DEVELOPMENTS.

5.1-5 STANDARDS IN AREAS OF SPECIAL FLOOD HAZARD WITHOUT BASE FLOOD ELEVATION DATA

In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, including Section 4.4-2, the following provisions apply:

- (1) New construction and substantial improvement of any residential (including manufactured homes), commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD; Section 4.4-2, USE OF OTHER BASE FLOOD ELEVATION AND FLOODWAY DATA; or Section 5.2-6, SUBDIVISIONS AND LARGE DEVELOPMENTS, the following additional provisions are required:

5.2-1 RESIDENTIAL CONSTRUCTION

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) In AO zones new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the Village of Higginsport's Flood Insurance Rate Map, or at least two feet if no depth number is specified, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
(local unit)

5.2-2 NONRESIDENTIAL CONSTRUCTION

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(i) be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation;

(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 4.1-3.

(2) In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the Village of Higginsport's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of Section 5.2-2(1)(i), (ii), (iii), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
(local unit)

5.2-3 ACCESSORY STRUCTURES

(1) A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of

no more than \$ 500.00 dollars. Such structures must meet the encroachment provisions of Section 5.3, Floodways, and the following additional standards:

- (i) they shall not be used for human habitation;
- (ii) they shall be constructed of flood resistant materials;
- (iii) they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
- (iv) they shall be firmly anchored to prevent flotation;
- (v) service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation; and,
- (vi) they shall meet the opening requirements of Section 5.2-5.

5.2-4 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of Section 3733.01, Ohio Revised Code:

- (1) Manufactured homes shall be anchored in accordance with Section 5.1-1(2).
- (2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

These standards shall also apply to all recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.

5.2-5 ENCLOSURES BELOW THE LOWEST FLOOR

The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which 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:

- (1) Be certified by a registered professional engineer or architect; or,

(2) Must meet or exceed the following 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. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.2-6 SUBDIVISIONS AND LARGE DEVELOPMENTS

In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.4-2, USE OF OTHER BASE FLOOD ELEVATION DATA, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

(1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;

(2) If Section 5.2-6(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.1, GENERAL STANDARDS, and Section 5.2, SPECIFIC STANDARDS.

5.3 FLOODWAYS

5.3-1 AREAS WITH FLOODWAYS

The Flood Insurance Study referenced in Section 3.2 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 4.4-2. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 5.3-1(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.2, SPECIFIC STANDARDS.

(3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the MAYOR
(local administrator)

to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

5.3-2 AREAS WITHOUT FLOODWAYS

In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set forth in Section 3.2, but no floodways have been designated, the following provisions apply:

(1) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1.0 (one) foot at any point.

(2) If Section 5.3-2(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

6.0 VARIANCE PROCEDURE

6.1-1 APPEAL BOARD

(1) The Council
(appeal board) as established by Village of Higginsport
(local unit) shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Council
(appeal board) shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Mayor
(local administrator) in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Council
(appeal board) or any taxpayer, may appeal such decision to the Brown
(county) Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(4) In passing upon such applications, the Council
(appeal board) shall consider

and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vi) the necessity to the facility of a waterfront location, where applicable;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of Section 6.1-1(4) and the purposes of this ordinance, the Council may attach such conditions to the granting of variances as
(*appeal board*)
it deems necessary to further the purposes of this ordinance.

(6) The Mayor shall maintain the records of all appeal
(*local administrator*)
actions and report any variances to the Federal Emergency Management Agency upon request.

6.1-2 CONDITIONS FOR VARIANCES

(1) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this ordinance creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this ordinance do not constitute an exceptional hardship.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 6.1-1(4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(5) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(6) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this ordinance, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in Section 6.1-1(4), or conflict with existing local laws or ordinances; and,

(iv) a determination that the structure or other development is protected by methods to minimize flood damages.

(7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 7.0

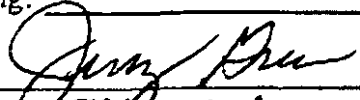
This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 1993-5.


PASSED;

1st reading: 3/11/02

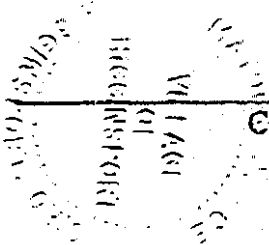
2nd reading: _____

3rd reading: _____



 Clerk


 President of Council



Certification

NATIONAL FLOOD INSURANCE PROGRAM
MINIMUM LAND MANAGEMENT CRITERIA
(Evaluation Sheet)

Community: Higginsport, Ohio
Name of Reviewer: John R. Geare, ODNR

Date of Review (Draft) _____ (Final)
Reviewed by FEMA or STATE (circle one)

Note: The *Item Description* is a synopsis of the regulatory requirement & should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Rules & Regulations for complete descriptions of the required standards.

Item Description (Section reference of the NFIP Regulations follows)	a	b	c	d	Applicable Model Ordinance/Resolution Section
1. Citation of Statutory Authorization.				<input checked="" type="checkbox"/>	1.1 Statutory Authorization
2. Purpose section citing health, safety, and welfare reasons for adoptions.				<input checked="" type="checkbox"/>	1.2 Findings of Fact 1.3 Statement of Purpose 1.4 Methods of Reducing
3. Adopt definitions of: Base Flood, Basement, Development, Flood Insurance Rate Map, Flood Insurance Study, Floodway, Historic Structure, Lowest Floor, Manufactured Home, Manufactured Home Park or Subdivision, New Construction, Recreational Vehicle, Special Flood Hazard Area, Start of Construction, Structure, Substantial Damage, Substantial Improvements, Variance, Violation, and other definitions as appropriate. [59.1]				<input checked="" type="checkbox"/>	2.0 Definitions
4. Designate a regulatory floodway that will not increase the base flood level more than 1 foot. [60.3(d)(2)]				<input checked="" type="checkbox"/>	2.0 (0.5 or 1 foot rise) 3.2 Basis for Est. SFHA
5. Include language in <i>Substantial Damage</i> for ICC coverage.				<input checked="" type="checkbox"/>	2.0 [optional]
6. Adopt or reference correct map and date. [60.3(b)]				<input checked="" type="checkbox"/>	3.2 Basis for Est the Areas
7. Adopt or reference correct Flood Insurance Study and date. [60.3(c)]				<input checked="" type="checkbox"/>	3.2
8. Abrogation and Greater Restriction Section.				<input checked="" type="checkbox"/>	3.4 Abrogation . . .
9. Disclaimer of Liability section advising that the degree of flood Protection required by the Ordinance/Resolution is considered reasonable but does not imply total flood protection.				<input checked="" type="checkbox"/>	3.6 Warning and Disclaimer of Liability
10. Adequate enforcement provisions including a violations/penalty section specifying actions community will take to assure compliance.				<input checked="" type="checkbox"/>	3.7 Violations & Penalties
11. Severability section (If any section, provision, or portion of the Ordinance/Resolution is adjudged unconstitutional or invalid by a court, the remainder of the Ordinance/Resolution shall not be affected.)				<input checked="" type="checkbox"/>	3.8 Severability [Optional but strongly recommended]
12. Framework for administering the Ordinance/Resolution (permit system, establish office of administering the resolution, etc.)				<input checked="" type="checkbox"/>	4.0 Administration
13. Require permits for all proposed construction or other development including placement of manufactured homes. [60.3(a)(1)]				<input checked="" type="checkbox"/>	4.1 Establishment of Development Permit
(b) and within SFHAs on the FHBM or FIRM. [60.3(b)(1)]				<input checked="" type="checkbox"/>	
14. Require floodproofed certification for non-residential structures. [60.3(c)(4)]				<input checked="" type="checkbox"/>	4.1(3)
15. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]				<input checked="" type="checkbox"/>	4.4-1(2) Permit Review
16. For A Zones—in the absence of FIA BFE data and floodway data—consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. [60.3(b)(4)]				<input checked="" type="checkbox"/>	4.4-2 Use of Other Base Flood Elevation and Floodway Data

Item Description (Section reference of the NFIP Regulations follows)	a	b	c	d	Section
17. Where BFE data are utilized, obtain and maintain records of the lowest floor and floodproofing elevations for new construction and substantial improvements. [60.3(b)(5)]				✓	4.4-3 Information to be Obtained and Maintained
18. Notify neighboring communities of watercourse alterations or relocations. [60.3(b)(6)]				✓	4.4-4(1) Alteration of Watercourses
(b) Maintain carrying capacity of altered or relocated watercourse. [60.3(b)(7)]				✓	4.4-4(2) Maintain carrying capacity . . .
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in the flood-prone areas: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement. [60.3(a)(3)(i)]				✓	5.1-1 Anchoring
(b) Use of flood resistant materials. [60.3(a)(3)(ii)]				✓	5.1-2(1) Construction Materials & Methods
(c) Construction methods/practices that minimize flood damage. [60.3(a)(3)(iii)]				✓	5.1-2(2)
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. [60.3(a)(3)(iv)]				✓	5.1-2(3)
20. Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration. [60.3(a)(5)&(6)]				✓	5.1-3(1)&(2) Utilities
(b) Require on-site waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]				✓	5.1-3(3)
21. Review subdivision proposals to assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]				✓	5.1-4(1) Subdivision Proposals
(b) Public utilities and facilities are constructed so as to minimize flood damage [60.3(a)(4)(ii)]				✓	5.1-4(2)
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]				✓	5.1-4(3)
22. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres [60.3(b)(3)]				✓	5.1-4(4)
23. Require all new and substantially improved residential structures Within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. [60.3 (c)(2)]				✓	5.2-1(1) Specific Standards Residential Construction
24. In A0 Zones, require that new and substantially improved residential structures have their lowest floor (including basement) at or above the highest adjacent grade at least a high as the FIRMs depth number. [60.3(c)(7)]				✓	5.2-1(2)
25. Require all new and substantially improved nonresidential structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated or floodproofed to or above the BFE. [60.3 (c)(3)]				✓	5.2-2(1) Specific Standards, Nonresidential Construction
26. Require that, for floodproofed non-residential structures, a registered professional architect or engineer certify that the design and methods of construction meet requirements at 60.3 (c)(4).				✓	5.2-2(1)(iii)

Note: Item 24 is not required if community has no A0 zones.

Item Description (Section reference of the NFIP Regulations follows)		a	b	c	d	Ordinance/Resolution Section
27.	In A0 Zones, require that new and substantially improved non-residential structures have their lowest floor (including basement) elevated or floodproofed above the highest adjacent grade to at least as high as the FIRM's depth number. [60.3(c)(8)]				✓	5.2-2(2)
28.	In Zones A0 and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]				✓	5.2-2(2)
29.	Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]				✓	5.2-4 Manufactured Homes & Recreational Vehicles
30.	Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones—outside a manufactured home park or subdivision—be securely anchored and elevated so that the lowest floor is at or above the BFE. [60.3(c)(6)]				✓	5.2-4(i) [ORC 3733.01, for manufactured home parks or subdivisions see ODH Rules]
31.	In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. [60.3(c)(14)]				✓	5.2-4
32.	Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of floodwaters in accordance with specifications of 60.3(c)(5).				✓	5.2-5 Enclosures Below the Lowest Floor
33.	Until a regulatory floodway is designated, no encroachment may increase the base flood level more than 1 foot. [60.3(c)(10)]				✓	5.3-2 Areas without Floodways
34.	In regulatory floodway, prohibit any encroachment unless hydrologic and hydraulic analysis proves that it would not increase flood levels during the base flood discharge. [60.3(d)(3)]				✓	5.3-1 Areas with Floodways
35.	Variance section with evaluation criteria and insurance notice. [60.6(a)]				✓	6.0 Variance Procedure [or 4.5 in old model]
36.	Effective Date: <i>as allowed by law</i> Adoption Date: <i>3/11/2002</i>				✓	Section 7.C
37.	Signature of Appropriate Official and Certification.				✓	"
38.	Public Hearing Date(s) (2 mandatory for counties)					
39.	Publication in newspaper of record?					
Note: Items 27 & 28 are not required if community has no A0 zones. Item 33 is not required if all streams have floodways designated.						

CEO: James M. Adams, Mayor Local FPM: same
Address: 204 Jackson St, PO Box 121 Telephone #: 937/375-6595
Date of most recent CAV: 7/20/92 Map Level: D Replaces/Amends: 1993-5 Adopted: 3/11/2002
Compliant?: yes
with 44CFR 60.3(d)