

## ORDINANCE NO. 2017 - 04

## AN ORDINANCE AMENDING CHAPTER 160 of the Code of Ordinance of the City of Shenandoah, Iowa

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

**SECTION 1. SECTION MODIFIED.** Chapter 160, 160.1, 160.2 3., 160.3, 160.9, 160.09.9, 160.09 (11), 160.12 8., 160.09 (3), 160.10 (3) and (4) and 160.12 (5) of the Code of Ordinances of the City of Shenandoah, Iowa, 1997, is repealed and the following adopted in lieu thereof:

At 160.1 add paragraph 5 to read as follows:

5. Statutory Authority. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

At 160.23 Add the following:

“Minor Projects” mean small development activities (except for filling, grading and excavating) valued at less than \$500.

“Routine Maintenance of Existing Buildings and Facilities” means 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.

At 160.03 Delete the last sentence and replace with the following:

The Flood Plain (Overlay) District boundaries are shown on the Flood Insurance Rate Maps (FIRM) for Page County and Incorporated Areas, City of Shenandoah, Panels 19145C0341C, 0342C, 0343C, dated April 19, 2017.

At 160.09 Delete the second sentence and replace with the following:

Where 100-year flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data.

At 160.09 9. Insert the following:

In addition, such alterations or relocations must be approved by the Department of Natural Resources.

At 160.09 (11) delete the sub chapter in its entirety and replace with the following:

Accessory Structures to Residential Uses

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

- 1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.
- 2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
- 3) The structure shall be constructed and placed on the building site so as to offer minimal resistance to the flow of floodwaters.

- 4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
- 5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the base flood elevation.
- 6) The structure's walls shall include openings that satisfy the provisions of CH 160.09 (4) A of this Ordinance.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

At 160 in its entirety remove all references to National Geodetic Vertical Datum and replace the North American Vertical Datum in the following sub-chapters:

- Chapter 160.09 (3) Nonresidential Buildings
- Chapter 160.10 (3) and (4) Administration
- Chapter 160.12 (5) Application For Permit

At 160.12 8. Insert the following as paragraph 8.

8. Penalties for Violation. Violations of the provisions of the Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply the any of its requirements shall upon conviction thereof be fined not more than \$500.00 (FIVE HUNDRED) or imprisoned for not more than 30 (THIRTY) days. Nothing herein contained prevent the City of Shenandoah from taking such other lawful action as is necessary to prevent or remedy violation.

**Section 2. SEVERABILITY CLAUSE.** If any section, clause, provision or portion of this ordinance shall be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 3. 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 Council this 14<sup>th</sup> day of March, 2017.

  
Richard N. Hunt, Mayor

ATTEST:

  
Karla Gray, City Clerk

I certify that the foregoing was published as Ordinance No. 2017-04 on the 18<sup>th</sup> day of March, 2017.

  
Karla Gray, City Clerk/Treasurer