

ORDINANCE NO. 87-3

AN ORDINANCE ADOPTING THE FLOOD HAZARD BOUNDARY MAP AND PROVIDING GUIDELINES FOR THE DEVELOPMENT OF AREAS DETERMINED TO BE FLOOD AREAS AND REPEALING ORDINANCE 86-4 IN ITS ENTIRETY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

SECTION 1: The Building Inspector hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Ordinance and all other Ordinances of the City of Galena now in force or hereafter adopted, relating to zoning, sub-divisions or building codes.

SECTION 2: The Building Inspector shall be appointed to these additional responsibilities by the Governing Body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Building Inspector, the Governing Body of the City shall designate an acting enforcement official.

SECTION 3: The Governing Body of the City of Galena hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

SECTION 4: Permits required: No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

- a. Within Zone A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- b. Application: To obtain a development permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:
 1. Identify and describe the work to be covered by the permit for which application is made.
 2. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use or occupancy for which the proposed work is intended.
 4. Be accompanied by plans and specifications for proposed construction.
 5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Building Inspector.
 7. Give such other information as reasonably may be required by the Building Inspector.

SECTION 5: The Building Inspector shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

SECTION 6: The Building Inspector, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development (s) (as defined in Section 11 of this Ordinance) will:

- a. Obtain a review and reasonably utilize, if available any regulatory flood elevation data and floodway data available from Federal, State and other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
 1. Residential Construction - New Construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
 2. Non residential Construction - New construction or substantial improvement of any commercial, industrial or non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.
 3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor 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 architect or meet or exceed the following minimum criteria: 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. 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.
- b. Require the use of construction materials and utility equipment that are resistant to flood damage.
- c. Require the use of construction methods and practices that will minimize flood damage.
- d. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydronamic and hydrostatic loads, including effects of buoyancy.
- e. New structures 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.
- f. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 1. Over the top ties be provided at each of the four corners of the manufactured homes 50-70 ft. in length. Manufactured homes 70 ft. and over shall have five (5) over the top ties.
 2. Ground anchors shall consist of steel auger anchors, cast in place concrete "deadman" eyelets embedded in concrete, or arrowhead augers. Screw augers shall be sunk to a depth of at least four (4) feet.

Page Three

3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
4. Any additions to manufactured homes be similarly anchored.
- g. Require that all manufactured homes to be placed within Zones 1-30, AH, and AE on the Community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6f.

SECTION 7: The Governing Body of the City shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

- a. All such proposed developments are consistent with the need to minimize flood damage.
- b. Subdivision and other proposed new development (including proposals for manufactured home parks and subdivisions) greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
- c. Adequate drainage is provided so as to reduct exposure to flood hazards.
- d. All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 8: New Water and Sewer, etc. - New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

SECTION 9: The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal Agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

SECTION 10: This Ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. Ordinance No 86-4 is hereby repealed in its entirety. The Governing Body of the City of Galena may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulation as published in Title 44 of the Code of Federal Regulations.

Section 11: Definition: 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.

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| AREAS OF SPECIAL FLOOD HAZARD | The land within a community subject to a one per cent or greater chance of flooding in any given year. This land is identified as Zone A on the official map. |
| 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. |
| 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. |

Page Four

FLOODPROOFING

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 hydromatic loads and the effect of buoyancy.

MANUFACTURED HOME

A structure, transportable in one or more sections which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

REGULATORY FLOOD ELEVATION

The water surface elevation of the 100-year flood.

START OF CONSTRUCTION

[for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)], includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means 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 the 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.

STRUCTURE

A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

SUBSTANTIAL IMPROVEMENT

"Substantial Improvement" means 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 (a) before the improvement is started, or (b) if the structure has been damaged and is being restored as before the damage occurred. For the purposes 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 the alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety

Page Five

codes or regulations as well as structures listed in National or State Registers of historic places.

100-YEAR FLOOD

The condition of flooding having a one percent chance of annual occurrence.

SECTION 12: This Ordinance shall take effect from and after its publication in the official City newspaper, The Galena Sentinel-Times.

PASSED BY THE GOVERNING BODY THIS 21st DAY OF July, 1987.

Thomas Y. Allen
Thomas Y. Allen, Mayor

ATTEST:

Jeanie Holstrom
Jeanie Holstrom, City Clerk

(SEAL)