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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return To: Carla K. Becker, County Auditor, 301 E. Main St., Manchester, IA 52057 563 927-4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of Ordinance #34 entitled "Flood Plain Ordinance", by the Delaware County Board of Supervisors.

1. County Ordinance #34
2. Proof of Publication of the Public Notice for the first reading of Ordinance #34 published September 1, 2010 in The Manchester Press, and in the Dyersville Commercial and August 30, 2010 in the Delaware County Leader.
3. Proof of Publication of the Public Notice for the second and final reading of Ordinance #34 published on September 8, 2010 in The Manchester Press and the Dyersville Commercial and September 7, 2010 in the Delaware County Leader.
4. Copy of the Board of Supervisors Official Minutes of September 13, 2010 in Book 2, Page 52 through Page 58 showing the final approved reading of Ordinance #34.
5. Proof of Publication of the full text of Ordinance #34 on September 22, 2010 in The Manchester Press and the Dyersville Commercial and September 21, 2010 in the Delaware County Leader.

I, Carla K. Becker, Delaware County Auditor, do hereby certify that the attached are originals or true copies of the above listed instruments.

Dated this 13th day of December, 2010.

Carla K. Becker, Delaware County Auditor

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Carla K. Becker, Delaware County Auditor, this 13th day of December, 2010.

ANNE RAVE
Commission Number 757587
MY COMMISSION EXPIRES
MARCH 25, 2012

Anne Rave, Notary Public in and for the State of Iowa

STATE OF IOWA, Delaware County-ss.

I, Lori A. Schulte Trenkamp, being duly sworn depose and say that I am general manager of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Delaware County Supervisors

in case of BOS Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 1 day of Sept A.D. 20 10 and the last on the 1 day of Sept A.D. 20 10.

Publication fee, $ 16.56

Lori A Schulte Trenkamp

Subscribed by Lori A. Schulte Trenkamp and by her sworn to before me, a notary public in and of Delaware County, Iowa this 7 day of Sept A.D. 20 10

Witness my hand and seal the date last above written.

Missi Thede Notary Public

MISSI THEDE
Commission Number 758711
My Comm. Exp. 2/13

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Public Notice

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the first reading in consideration of Ordinance #34 "A Floodplain Management Ordinance" at their regular meeting on September 7, 2010 at 1:15 pm in the Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office.

Summary: This ordinance is designed to meet the minimum requirements for acceptance in the National Flood Insurance Program for counties which have a detailed Flood Insurance Study (FIS) issued by the Federal Emergency Management Agency (FEMA). Specific floodplain management criteria are set forth of the rules and regulations as published in the October 1, 1994, Federal Register.

This ordinance is a special-purpose ordinance established under authority of Chapter 331 of the Iowa Code (county home rule). The ordinance establishes a development permit system which requires a permit for all development within areas of significant flood hazard as identified by the Flood Insurance Study.

Carla K. Becker, Delaware County Auditor
P35

STATE OF IOWA, Delaware County-ss.

I, Lori A. Schulte Trenkamp, being duly sworn depose and say that I am general manager of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Delaware County Supervisors

in case of Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 8 day of Sept A.D. 20 10 and the last on the 8 day of Sept A.D. 20 10.

Publication fee, $ 16.56

Lori A. Schulte Trenkamp

Subscribed by Lori A. Schulte Trenkamp and by her sworn to before me, a notary public in and for Delaware County, Iowa this 8th day of Sept A.D. 20 10

Witness my hand and seal the date last above written.

Missi Thede Notary Public

NOTARIAL SEAL IOWA
MISSI THEDE
Commission Number 758717
My Comm. Exp. 6/2/12

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Public Notice

Public Notice is hereby given that the Delaware County Board of Supervisors will meet for the second, and possibly final, reading in consideration of Ordinance #34 "A Floodplain Management Ordinance" at their regular meeting on September 13, 2010 at 1:15 pm in the Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office or online at www.co.delaware.ia.us.

Summary: This ordinance is designed to meet the minimum requirements for acceptance in the National Flood Insurance Program for counties which have a detailed Flood Insurance Study (FIS) issued by the Federal Emergency Management Agency (FEMA). Specific floodplain management criteria are set forth of the rules and regulations as published in the October 1, 1994, Federal Register.

This ordinance is a special-purpose ordinance established under authority of Chapter 331 of the Iowa Code (county home rule). The ordinance establishes a development permit system which requires a permit for all development within areas of significant flood hazard as identified by the Flood Insurance Study.

Carla K. Becker, Delaware County Auditor
p36

pd 9-20-10

FILED
SEP 14 2010
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

September 13, 2010
1:15 PM

The Delaware County Board of Supervisors met in regular session this date at 1:15 PM with all members present. Also present were Larry Aschbrenner, Kris Cooey, Jan Berry, Candace Pfalzgraf, Chip Hughes, Paulette Sands, Paul Sands, Frank Eisermann, Bob Galiher, Barb DeKlotz, Ken DeKlotz, Pauletta Carbaugh, John Carbaugh, Wayne Garvin, Milt Kramer, Mary Kray, Jodi Cahalan, Lou Christiansen, Sue Christiansen, Becky Willey, Donna Davis, Don Moriarty, Larry Peter, Anthony Bardgett, Carla Becker and two (2) members of the media. Jeff Madlom, Chairperson, called the meeting to order.

This being the date and time set for the second reading of proposed Ordinance #34 – A Floodplain Management Ordinance, as published on September 8, 2010 in the official newspapers of the county, the Board members took turns reading said proposed ordinance aloud for all those present to hear.

Supervisor Madlom asked if there were any proposed changes or questions regarding the proposed ordinance. There were none.

Motion made by Ries, second by Helmrichs and carried to approve the second reading of proposed Ordinance #34 – A Floodplain Management Ordinance. All Ayes

Motion made by Helmrichs, second by Ries and carried to waive the third and final reading of proposed Ordinance #34 – A Floodplain Management Ordinance due to the lack of public comments either written or oral. All Ayes

Motion made by Ries, second by Helmrichs and carried to approve Ordinance #34 – A Floodplain Management Ordinance as follows and direct the County Auditor to publish said ordinance in the official newspapers of the county:

DELAWARE COUNTY ORDINANCE #34
FLOODPLAIN MANAGEMENT ORDINANCE

SECTION I - Statutory Authority, Findings 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. Findings of Fact

1. The flood hazard areas of Delaware County 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 of 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 uses 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 floodplain 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 Delaware County 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 I(B)1 of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause 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 lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Delaware County and Incorporated Areas, dated August 3, 2009, which was prepared as part of the Delaware 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. The Delaware County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

B. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the areas of significant flood hazard 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 Flood Plain Administrator shall make the necessary interpretation. The Board of Supervisors shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Flood Plain Administrator in the enforcement or administration of this Ordinance.

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 areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Delaware County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

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- Floodplain Management Standards

A. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the areas of significant flood hazard shall:
   a. Be consistent with the need to minimize flood damage.
   b. Use construction methods and practices that will minimize flood damage.
   c. Use construction materials and utility equipment that are resistant to flood damage.
   d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Supervisors, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest 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 flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa 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 1988) to which any structures are flood proofed shall be maintained by the Administrator.
4. All new and substantially improved structures:
   a. Fully enclosed areas below the "lowest floor" (not including basements) 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 meet or exceed the following minimum criteria:
      (1) 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.
      (2) The bottom of all openings shall be no higher than one foot above grade.
      (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
   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 buoyancy.
   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.
5. Factory-built homes:
   a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, 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.
   b.. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
6. Utility and Sanitary Systems:
   a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
   b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
   c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
   d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
7. 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 (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the areas of significant flood hazard.
11. Accessory Structures
    a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
       (1) The structure shall not be used for human habitation.
       (2) The structure shall be designed to have low flood damage potential.
       (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
       (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
       (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 100-year flood level.
    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.
12. Recreational Vehicles
    a. Recreational vehicles are exempt from the requirements of SECTION III (A) 5 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION III (A) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

B. Special Floodway Provisions

In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses within the floodway shall:
   a. Be consistent with the need to minimize flood damage.
   b. Use construction methods and practices that will minimize flood damage.
   c. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other materials may be allowed if readily removable from the floodway within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

SECTION IV - Administration

A. Appointment, Duties and Responsibilities of Floodplain Administrator

1. The Flood Plain Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
   a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
   b. Review floodplain 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 floodplain construction.
   c. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) 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 the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been flood proofed.
   e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications 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. Floodplain Development Permit

1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
   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 similar description) 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 of the 100-year flood.
   e. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
   f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
   g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Supervisors.
4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Variance

1. The Board of Supervisors may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

a. Variances shall only be granted 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, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
b. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

2. Factors Upon Which the Decision of the Board of Supervisors Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
b. The danger that materials may be swept on to other land or downstream to the injury of others.
c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
e. The importance of the services provided by the proposed facility to the County.
f. The requirements of the facility for a floodplain location.
g. The availability of alternative locations not subject to flooding for the proposed use.
h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
a. Modification of waste disposal and water supply facilities.
b. Limitation of periods of use and operation.
c. Imposition of operational controls, sureties, and deed restrictions.
d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
e. Flood proofing measures.

SECTION V - Nonconforming Uses

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

SECTION VI - Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements 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 $500 (Five Hundred Dollars) or imprisoned for not more than 30 (Thirty) days. Nothing herein contained prevent the County of Delaware County from taking such other lawful action as is necessary to prevent or remedy violation.

SECTION VII - Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

SECTION VIII - 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.

BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

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 building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure."

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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 "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.
FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, including but not limited to emergency preparedness plans, flood control works, flood proofing and floodplain management regulations.
FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
FLOODWAY - The channel of a river or stream and those portions of the floodplain s 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 cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
FLOODWAY FRINGE - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
HISTORIC STRUCTURE - Any structure that is:

- **a.** Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- **b.** 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;
- **c.** Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- **d.** Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

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(A)4 of this Ordinance 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 (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot 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 d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than $500.
NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.
ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
RECREATIONAL VEHICLE - A vehicle which is:

- **a.** Built on a single chassis;
- **b.** Four hundred (400) square feet or less when measured at the largest horizontal projection;
- **c.** Designed to be self-propelled or permanently towable by a light duty truck; and
- **d.** Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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:
Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

- **a.** Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- **b.** Basement sealing;
- **c.** Repairing or replacing damaged or broken window panes;
- **d.** Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
START OF CONSTRUCTION - Includes substantial improvement, and means the date the development 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 or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built 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 the building, whether or not that alteration affects the external dimensions of the building.
STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
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 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 fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
  The term does not, however, include 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 by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
- **b.** Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.
VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ADOPTED AND PASSED by the Board of Supervisors of the County of Delaware this 13th day of September, 2010.
/S/ Jeff Madlom, Chairperson
/S/ Jerry Ries
/S/ Shirley E. Helmrichs
Attest: /S/ Carla K. Becker, County Auditor
All Ayes

Motion made by Helmrichs, second by Ries and carried to approve the Application For Participation in the National Flood Insurance Program naming Floodplain Administrator, Anthony Bardgett, as the program coordinator. Said application will be submitted with the Resolution of Intent to Participate, passed on August 30, 2010, and the complete text of the Ordinance #34, as approved, to the Department of Natural Resources for participation in the National Flood Insurance Program. All Ayes

Supervisor Ries stated that he approved the application and submission to the DNR with mixed feelings. He knows that the county was being forced to participate by June 30, 2011 but still feels that there are too many strings attached to participating in the program. He commented that the DNR was mentioned twelve (12) times within the ordinance.

Motion made by Ries, second by Helmrichs and carried to approve the following employees to attend their respective meetings: Carla Becker and Anne Rave to attend a real estate class in Johnston on September 15, 2010 and the Solutions Accrual School of Instruction on September 16, 2010; Jeff Madlom to attend the ECIA meeting in Dubuque on September 15, 2010; and Jerry Ries to attend the Juvenile Detention meeting in Waterloo on September 17, 2010. All Ayes

Motion made by Helmrichs, second by Ries and carried to approve the following claims for payment, including the September 10, 2010 payroll in the amount of $144,008.21 warrant #10460 thru #10586:

WINDSTREAM Iowa Telecom	Telephone Services	692.16
Tri State Truck Equipment	Wireless GPS-Secondary Roads	35687.50

All Ayes

Motion made by Ries, second by Helmrichs and carried to acknowledge receipt of the following manure management plan updates: Tom Recker in Section 27 of Milo Township; and Kenneth Ries in Section 23 of Adams Township. All Ayes

Motion made by Helmrichs, second by Ries and carried to approve the hiring of Sarah Feldmann as a full-time direct staff for the Community Life Department at a wage of $9.00 per hour with full benefits and Kristine Baldwin as a part-time direct staff for the Community Life Department at a wage of $9.00 per hour. The start date for both new employees will be September 20, 2010 contingent on the results of pending background checks. All Ayes

Due to timeliness, the following item was added to the agenda.

Supervisor Ries stated that he had spoken with Dave Sands in regards to the flood-related debris removal from the county landfill. Mr. Sands felt that the 2,000 ton limit on the county's contract with Allied Waste will most likely cover everything. However, to be on the safe side, he recommended adding 250 tons to the contract limit just in case.

Motion made by Ries, second by Helmrichs and carried to approve the following resolution in regards to a change order to the county's contract with Allied Waste:

RESOLUTION
CHANGE ORDER FOR
EMERGENCY FLOOD-RELATED DEBRIS REMOVAL

WHEREAS, on August 3, 2010, the Delaware County Board of Supervisors entered into a contract with Allied Waste Services (BFI waste Services LLC) in consideration of $61.40 per ton for the removal of flood-related debris from the Delaware County Landfill; and
WHEREAS, said contract limited the amount of debris to 2,000 tons in total; and
WHEREAS, it is the desire of the Board to increase said limit.
NOW, THERFORE BE IT REOLVED, by the Delaware County Board of Supervisors, that the limit on tonnage on the contract between Allied Waste Services and Delaware County for the removal of flood-related debris be changed from 2,000 tons to 2,250 tons in total.

Dated this 13th day of September, 2010.

/S/ Jeff Madlom, Chairperson

Attest: /S/ Carla K. Becker, County Auditor
All Ayes

Motion made by Helmrichs, second by Ries and carried to approve the following resolution regarding closing a county road for the Maquoketa Valley Homecoming Parade:

RESOLUTION FOR ROAD CLOSURE
MAQUOKETA VALLEY HOMECOMING PARADE

WHEREAS, the Maquoketa Valley Community School District requests the closure of Franklin Street in Delhi from 2:00 pm to 2:30 pm on September 17, 2010 due to their Homecoming Parade, and
WHEREAS, the Maquoketa Valley Community School District will provide any and all necessary traffic control devices during the parade route.
NOW THEREFORE BE IT RESOLOVED, that the Delaware County Board of Supervisors has approved the Maquoketa Valley Community School District's request for road closure of Franklin Street. The parade route will begin at the high school on South Street and proceed west to Fourth Street, then north to Franklin Street, then east to Third Street, then south to South Street, then east and ending at the school driveway.
Passed and approved this 13th day of September, 2010.

/S/ Jeff Madlom, Chairperson County Board of Supervisors
Attest: /S/ Carla Becker, County Auditor
All Ayes

Anthony Bardgett, County Engineer, addressed the Board in regards to the consideration of the Secondary Road truck bids which was tabled from the September 7, 2010 meeting. He has had time to review all the specifications of the bids and factor in the trade-in values. In regards to the Crew Cab, Rodas Chevrolet actually had the lowest bid; however, he is recommending going with Bob Stephens Motors instead. Since the Stephen's bid was only a little over $100.00 more than Rodas, he feels it would be best to keep the money in county. He also recommends the approval of Runde Ford for its low bid on the Extended Cab and 1 Ton Chassis and Rodas Chevrolet for the Standard Cab. The final pricing after factoring in trade-in values was as follows:

	Runde Auto Group	Bob Stephen	Rodas Chevrolet	Freese Motors
½ ton Crew Cab	$17,985.00	$17,819.26	$17,725.91	$24,097.00
½ Ton Extended Cab	$22,798.00	$24,285.15	$23,707.39	$27,397.00
½ Ton Standard Cab	No bid	$24,477.26	$19,462.03	$22,678.00
1 Ton Chassis	$31,451.00	No bid	No bid	$34,834.00

Motion made by Ries, second by Helmrichs and carried to approve the following bids for the Secondary Road trucks: Bob Stephen Motors for the ½ ton Crew Cab in consideration of $17,819.26; Rodas Chevrolet for the ½ ton standard cab in consideration of its low bid of $19,462.03; and Runde Ford for the ½ ton Extended Cab in consideration of its low bid of $22,798.00 and the 1 Ton Chassis in consideration of its low bid of $31,451.00. All Ayes

ENGINEER'S REPORT:

C64/Floyd Road Paving Project – The contractor will be moving in equipment today and starting the cold-in-place recycling paving tomorrow. They will start on Floyd Road first. The Hot-mix asphalt portion will be done in about two weeks.

Pavement Marking Program – The edgeline pavement marking program for this year is not complete.

Rainbow Road Low Water Crossing – In Section 13 of Colony Township along Rainbow Road, a stream crossing was damaged in the 2008 floods. Secondary Road crews are currently working on building a low water crossing in that area to better handle future flooding. Work will continue for another week or so.

Dempster/Pioneer Road Bridge – Contractor expects to start work around September 27, 2010.

NEXT MEETING DATE & TIME:

The next regular session of the Board of Supervisors will be held on Monday, September 20, 2010 at 1:15 pm.

PUBLIC COMMENTS:

Evan Hughes commented that now, since the Board has passed the Floodplain Administration Ordinance, people will be able to move forward and purchase flood insurance to protect their properties.

Supervisor Ries reminded everyone that a DNR permit is required for all construction within the floodplain and now a county permit will be required as well. He was not for passing the ordinance. Even though the county was being forced to participate by June 30, 2011 anyway, he still feels people shouldn't be regulated in how they use their property.

Donna Davis commented that she feels that the Board should use the term "we" instead of "he", "she" or "they" when referring to the people at the lake. It is her feeling that we are all in this as a county and should start speaking in those terms instead of us and them.

Don Moriarity asked if the county had a formal disaster plan. Supervisor Madlom stated he was not sure and would get back to him with the information.

Donna Davis also asked if all the expenditures approved during today's meeting were part of the current budget. Supervisor Madlom assured her they were. She would like to have a work session with the Board to go over expenditures for the current budget year, which runs through June 30, 2011, to see if there are any monies that can be re-appropriated towards the rebuilding effort.

Mr. Moriarity asked if the county had any "rainy day" fund. The County Auditor explained that the county has a fund balance carried over from the previous year which helps with expenditures in July, August and September before tax revenue is collected. This fund balance has been kept low by state recommendations and local special interest groups.

Mr. Moriarity also commented that since the Board will be participating in the National Flood Insurance Program, other FEMA monies will be available for the county itself as well.

Supervisor Ries stated that two weeks ago, the LDRA requested the county reimburse them for debris removal from private property on the lake. The Board submitted a request to FEMA, via Sam Lamport, to consider this expense a qualifying expense for FEMA reimbursement. The Board's request was recently turned down since the debris removal was on private property. The Board will appeal.

Supervisor Helmrichs invited all present to attend the open house on September 14, 2010 from 4 pm to 7 pm for the drop-in center at the Community Services Building located on Grant Street in Manchester. A drop-in center has been on the Mental Health Advisory Council's wish list for over nine (9) years. The county used to have such a center within Regional Medical Center; however, it was closed over ten (10) years ago.

The Board thanked everyone for coming and participating in the meeting.

There being no further business before the Board, the meeting was adjourned at 2:35 PM. These minutes have been read and approved.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA, Delaware County-ss.

I, Lori A. Schulte Trenkamp, being duly sworn depose and say that I am general manager of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Delaware County Supervisors

in case of Ordinance 34 floodplain

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 22 day of Sept A.D. 2010 and the last on the 22 day of Sept A.D. 2010.

Publication fee, $ 373.52

Lori A Schulte

Subscribed by Lori A. Schulte Trenkamp and by her sworn to before me, a notary public in and of Delaware County, Iowa this 22nd day of Sept A.D. 2010

Witness my hand and seal the date last above written.

Notary Public

NOTARIAL SEAL IOWA
MISSI THEDE
Commission Number 756711
My Comm. Exp. 6/1/12

LEGAL NOTICE
DELAWARE COUNTY BOARD OF SUPERVISORS
DELAWARE COUNTY ORDINANCE #34
FLOODPLAIN MANAGEMENT ORDINANCE

BE IT ENACTED BY THE DELAWARE COUNTY BOARD OF SUPERVISORS

SECTION I - Statutory Authority, Findings 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. Findings of Fact

1. The flood hazard areas of Delaware County 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 of 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 uses 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 floodplain 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 Delaware County 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 I(B)1 of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause 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 lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Delaware County and Incorporated Areas, dated August 3, 2009, which was prepared as part of the Delaware 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. The Delaware County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

B. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the areas of significant flood hazard 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 Flood Plain Administrator shall make the necessary interpretation. The Board of Supervisors shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Flood Plain Administrator in the enforcement or administration of this Ordinance.

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 areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Delaware County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

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- Floodplain Management Standards

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

All development within the areas of significant flood hazard shall:

Be consistent with the need to minimize flood damage.

Use construction methods and practices that will minimize flood damage.

Use construction materials and utility equipment that are resistant to flood damage.

Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Supervisors, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest 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

Notary Public



create liability on the part of Delaware County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

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Use construction methods and practices that will minimize flood damage.

Use construction materials and utility equipment that are resistant to flood damage.

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Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Supervisors, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest 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 North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

Fully enclosed areas below the "lowest floor" (not including basements) 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 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 they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

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 buoyancy.

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.

5. Factory-built homes:

a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, 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.

b.. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. 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 (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or, (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the areas of significant flood hazard.

11. Accessory Structures

a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

Such structures shall not be used for human habitation.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

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.

12. Recreational Vehicles

a. Recreational vehicles are exempt from the requirements of SECTION III (A) 5 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION III (A) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

Special Floodway Provisions

In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

All uses within the floodway shall:

Be consistent with the need to minimize flood damage.

Use construction methods and practices that will minimize flood damage.

Use construction materials and utility equipment that are resistant to flood damage.

No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other materials may be allowed if readily removable from the floodway within the time available after flood warning.

Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

SECTION IV - Administration

A. Appointment, Duties and Responsibilities of Floodplain Administrator

1. The Flood Plain Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

2. Duties of the Administrator shall include, but not necessarily be limited to the following:

a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

b. Review floodplain 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 floodplain construction.

c. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) 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 the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.

e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications 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. Floodplain Development Permit

1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

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 similar description) 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 of the 100-year flood.

e. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Supervisors.

4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at

variance with that authorized shall be deemed a violation [illegible]

shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Variance

1. The Board of Supervisors may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

a. Variances shall only be granted 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, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

2. Factors Upon Which the Decision of the Board of Supervisors Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the County.

f. The requirements of the facility for a floodplain location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.

START OF CONSTRUCTION - Includes substantial improvement, and means the date the development 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 or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built 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 the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

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 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 fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include 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 by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ADOPTED AND PASSED by the Board of Supervisors of the County of Delaware this 13th day of September, 2010.

/S/ Jeff Madlom, Chairperson

/S/ Jerry Ries

/S/ Shirley E. Helmrichs

Attest: /S/ Carla K. Becker, County Auditor