

ORDINANCE NO. 1490

AN ORDINANCE REGULATING CONSTRUCTION IN
FLOOD HAZARD AREAS AND DECLARING AN EMERGENCY.

WHEREAS, the United States Government has adopted legislation dealing with flooding and the availability of flood insurance; and,

WHEREAS, in order for citizens of the City of Hood River to be assured of the availability of flood insurance, as mandated by federal law, the City must enact an ordinance regulating construction in flood hazard areas prior to January 1, 1981, now, therefore,

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

There is hereby added to the Hood River Municipal Code Chapter 15.44 Flood Hazards, Sections 15.44.010 - 090, which is to read as follows:

SECTION 15.44.010 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.

Area of Special Flood Hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood. The flood having a one percent chance of being equalled or exceeded in any given year.

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 located within the area of special flood hazard.

Start of Construction. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 as part of the main structure.

Structure. A walled and roofed building or mobile home that is principally above ground.

Substantial Improvement. 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:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, 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 that alteration affects the external dimensions of the structure.

SECTION 15.44.020 LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Hood River.

SECTION 15.44.030 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM), dated October 10, 1975, and any revision thereto are adopted by reference and declared to be part of this ordinance.

SECTION 15.44.040 ESTABLISHMENT OF DEVELOPMENT PERMIT. A Development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.44.030. The permit shall be for all structures including mobile homes, as set forth in the "DEFINITIONS," and for all other development including fill and other activities, also as set forth in the "DEFINITIONS."

SECTION 15.44.050 DESIGNATION OF THE BUILDING OFFICIAL ENFORCEMENT. The City Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION 15.44.060 DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the City Building Official may include, but not be limited to:

A. Permit Review.

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

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.44.030, the City Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 15.44.080 (A.) and 15.44.080 (B.).

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level).

b. Maintain the floodproofing certifications required in Section 15.44.080 (B. 3).

D. Alteration of Water Courses.

1. Notify adjacent communities and the Oregon Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered and relocated portion of said watercourse so that the flood carrying capacity is not diminished.

SECTION 15.44.070 GENERAL STANDARDS FOR FLOOD HAZARD PROTECTION. In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

a. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.

c. All components of the anchoring system be capable of carrying a force of 4,800 pounds.

d. Any additions to the mobile home be similarly anchored.

3. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the City Building Official that this standard has been met.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available.

SECTION 15.44.080 SPECIFIC STANDARDS FOR FLOOD HAZARD PROTECTION. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.44.030 or Section 15.44.060 paragraph B., the following provisions are required:

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

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential 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, shall:

1. Be floodproofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 15.44.060 (2.)

SECTION 15.44.090 EMERGENCY DECLARED. Whereas in order for citizens of the City of Hood River to be assured that they may purchase flood insurance, pursuant to federal law, and the federal government has informed the City of Hood River that unless an ordinance is passed on or before January 1, 1981, relating to flood hazard areas the continued availability of flood insurance to any citizen of Hood River may be imperiled; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by two-thirds (2/3) of the members of the Council and the Mayor.

Read for the first time: December 23, 1980.

Read for the second time: January 13, 1981.

PASSED by the Council of the City of Hood River this 15th day of January, 1981.

Dorothy M. Swyers
Dorothy M. Swyers, City Recorder

APPROVED by the Mayor of the City of Hood River this 13th day of January, 1981.

Charles F. Beardsley
Charles F. Beardsley, Mayor