

AN ORDINANCE QUALIFYING THE VILLAGE
OF HAMERSVILLE, OHIO, FOR NATIONAL
FLOOD INSURANCE ELIGIBILITY

BE IT ORDAINED by the Council of the Village of Hamersville, Brown County, Ohio, three-fourths or more of all members elected thereto concurring as follows:

SECTION 1. The provisions contained within this Ordinance shall constitute the minimum standards and requirements applicable to the subdivision of land and the design and construction and quality of materials of all structures in Hamersville, Ohio, which are or will be located in areas identified on the most current FIA Flood Hazard Boundary Map as being special flood hazard areas. If no FIA Flood Hazard Boundary Map has been provided, the flood hazard areas shall be identified on the basis of historical flood profiles, soil data or high water markings. When one hundred year frequency flood plain data is available, this data shall be controlling in all cases.

SECTION 2. The FIA Flood Hazard Boundary Map showing the extent and boundaries of the identified special flood hazard areas is published and issued by the Federal Insurance Administration of the U. S. Department of Housing and Urban Development. The most current edition of the Flood Hazard Boundary Map, No. H-01-02 and dated June 28, 1974, is made a part of this Ordinance. This map is available during normal working hours at the Village Hall for public inspection.

SECTION 3. It shall be unlawful for any person to construct any structure or subdivide any tract of land in an identified special flood hazard area or cause the same to be done contrary to or in violation of any of the provisions of this Ordinance.

SECTION 4. This Ordinance shall not create liability on the part of the Village of Hamersville, Ohio, or any officer or employee thereof for any flood damages that may result upon compliance with this ordinance or any administration decision lawfully made thereunder.

SECTION 5. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this section or related sections which can be given effect without the invalid provision or application, and to this end, the provisions are severable.

SECTION 6. The Council shall designate a local flood plain administrator, hereinafter referred to as the Administrator, who shall administer and enforce the provisions of this Ordinance. Said Administrator shall be a person qualified to interpret and review construction plans for compliance with this Ordinance.

SECTION 7. All construction or work for which a permit is required shall be subject to inspection by the Administrator.

SECTION 8. Any person violating any of the provisions of this Ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment as provided by the laws of the Village of Hamersville, and also in the State of Ohio for such a misdemeanor.

SECTION 9. No person shall construct any structure or subdivide any tract of land or make any other substantial improvement within any identified special flood hazard area or cause the same to be done without first obtaining a flood plain construction permit from the local flood plan administrator.

SECTION 10. To obtain a flood plain construction permit, the applicant must file an application with the Administrator, which shall consist of the following:

- A. A description of the proposed construction to be covered by the permit including its precise location.
- B. Two sets of complete plans and specifications of the proposed construction, improvement, or subdivision plat prepared in accordance with the provisions of this Ordinance, and signed by a professional engineer or architect, licensed as such in the State of Ohio.
- C. Any other information determined necessary by the Administrator.

SECTION 11. Flood plain construction permit applications shall be reviewed by the Administrator to assure compliance with the following provisions and criteria for permit applications

for new constructions or substantial improvements to existing structures, including prefabricated and mobile homes within the special flood hazard areas shall be reviewed to assure that the proposed construction is:

- A. protected against flood damage,
- B. designed and anchored to prevent floatation, collapse or lateral movement of the structures,
- C. uses construction materials and utility equipment that are resistant to flood damage, and
- D. uses construction methods and practices that will minimize flood damage.

Sugdivision and other new development proposals located within the identified special flood hazard area shall be reviewed to assure that:

- A. all such proposals are consistant with the need to minimize flood damage,
- B. all public utility facilities, such as sewer, gas, electric, and water systems are located, elevated and constructed to minimize or eliminate flood damage, and
- C. Adequate drainage is provided so that as to reduce exposure to flood hazards.

Applications for new or replacement water supplies and sanitary sewer systems located within identified special flood hazard areas shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

SECTION 12. If the Administrator is satisfied that the work and construction described in all parts of the application conform to the provisions of this Ordinance, the Administrator shall mark the application "Approved" and issue a flood plain construction permit to the applicant.

SECTION 13. The Administrator may revoke a permit issued under this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans or whenever the permit is issued in error or whenever the permit is issued in violation of any provision of this Ordinance or any other laws

and ordinances or if the applicant fails to carry out the conditions of his plans during the construction phase of the project.

SECTION 14. Flood plain construction permits shall be posted at the site of construction operation in a conspicuous place open to public inspection until completion of the project.

SECTION 15. Appeals of any decisions of the Administrator may be taken by the affected person to the Brown County Court or the Court of Common Pleas of Brown County, Ohio.

SECTION 16. Definitions in use in this Ordinance:

Construct; includes erecting, enlarging, altering, repairing, moving, removing, converting or demolishing any structure within an identified special flood hazard area.

Flooding; a general and temporary condition of partial or complete inundation of normally dry areas due to the overflow of streams, rivers, or other inland waters.

Person; includes any individual, corporation, business, trustee, estate, trust, partnership, and associations.

Special Flood Hazard Area; any area identified by the Federal Insurance Administration as being flood prone and being indicated as such on the official Flood Hazard Boundary Map.

Structure; anything constructed, set, placed, or erected on the ground or attached to the ground including, but not limited to buildings, factories, sheds, cabins, and mobile homes.

Substantial improvement; any repair or reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the actual cash value of the structure, either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

SECTION 17. This Ordinance is hereby declared to be an emergency ordinance necessary for the public health, safety, and welfare of the inhabitants of the Village of Hamersville, Ohio, and more particularly to comply with the National Flood Insurance Program and comply with the Federal law therein, and shall be in immediate effect upon its passage.

PASSED:

MAYOR

ATTEST:

Clerk

CERTIFICATION

I, Margaret Wilson, Clerk of the Village of Hamersville, Brown County, Ohio, hereby certifies that the within to be a true, correct and accurate copy of Ordinance No. _____, duly passed and adopted by the Council of the Village of Hamersville, Ohio, on the _____ day of _____, 1976.

Margaret Wilson, Clerk