

AN ORDINANCE AMENDING ORDINANCE NUMBER 86-1 RELATING TO FLOOD PLAIN MANAGEMENT BY AMENDING PROVISIONS REQUIRED BY A FINAL RULE, PUBLISHED AUGUST 25, 1986, PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REVISING THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, SOUTH DAKOTA.

SECTION ONE: Ordinance Number 86-1 is amended by replacing the terms "Mobile Home", and "Flood Hazard Boundary Map" wherever said terms may appear in the Ordinance as presently constituted, by the term "Manufactured Home", and "Flood Insurance Rate Map (FIRM)", respectively.

SECTION TWO: Section 2.0 is amended by including Lowest Floor to read:

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

SECTION THREE: Section 2.0 defining the term "Mobile Home" is hereby repealed and reenacted to read:

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

SECTION FOUR: Section 3.2 is amended to read:

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated April 1, 1987, is adopted by reference and declared to be part of this Ordinance. The FIRM is on file in the Clay County Director of Equalization's Office.

SECTION FIVE: Section 4.3-2 is amended to read:

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the County Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 5.2, SPECIFIC STANDARDS.

SECTION SIX: Section 5.1-2 is repealed and re-enacted to read:

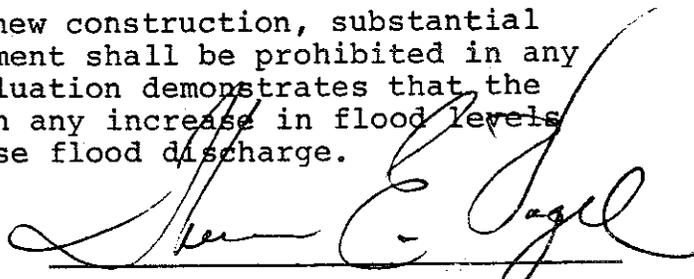
5.1-2 Construction Materials and Methods

- (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.
- (3) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION SEVEN: Section 5.1-5 is amended to read:

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.


ATTEST:
Clay County Auditor


Chairman, Clay County
Commission

First Reading: July 18, 1989

Second Reading and Adoption: July 25, 1989

Publication: July 13 & 20, 1989.

Effective Date: August 9, 1989

PUBLIC NOTICE
NOTICE IS HEREBY GIVEN THAT pursuant to SDCL 7-18A-29, Ordinance/Resolution #89-1 in revision, an ordinance amending Ordinance Number 86-1 relating to Flood Plain Management by amending provisions required by a final rule, published August 25, 1986, promulgated by the Federal Emergency Management Agency (FEMA) revising the National Flood Insurance Program (NFIP), was adopted by the Board of the County Commissioners on July 25, 1989, and shall become effective on August 9, 1989. Ordinance/Resolution #89-1 is on file in the office of the County Auditor.

Esther Girard
County Auditor
Clay County, South Dakota
Publish: August 3 & 10, 1989