

**AN ORDINANCE REGULATING DEVELOPMENT IN THE JERSEY COUNTY FLOODPLAIN AREAS
ADOPTED _____**

WHEREAS, the County of Jersey adopted the ordinance regulating development in Floodplain Area on June 10, 2003; and amended the ordinance regulating development in the Floodplain Area on March 13, 2007, June 21, 2008 and on October 14, 2008.

WHEREAS, the County of Jersey also deems it necessary to amend and update its regulations regarding building inside the floodplain.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Jersey County, Illinois as follows:

Section 1. Purpose.

This article is enacted pursuant to the police powers granted to Jersey County by Illinois Statutory Authority in 615 ILCS 15/; 55 ILCS 5/5-1041 and 5/5-1063 as amended. The purpose of this article is to maintain the county's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of 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; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This article is adopted in order to accomplish the following specified purposes:

- (A) To meet the requirements of 615 ILCS 5/5. an act in relation to the regulation of the rivers, lakes and streams of the State of Illinois, approved June 10, 1911, as amended;
- (B) To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
- (C) To protect new buildings and major improvements to buildings from flood damage;
- (D) To protect human life and health from the hazards of flooding;
- (E) To lessen the burden on the taxpayer for flood control, repairs to public facilities, utilities, flood rescue and relief operations;
- (F) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (G) To make federally subsidized flood insurance available;
- (H) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;

- (I) To protect, conserve and promote the orderly development of land and water resources; and
- (J) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2. Definitions.

For the purposes of this ordinance, the following definitions are adopted:

Act: “An act in relation to the regulations of the rivers, lakes and streams of the State of Illinois”, 615 ILCS 5/5 et seq.

Applicant: Any person, firm, corporation, agency, non-profit, or governmental body not exempted by law.

Base Flood: The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

Base Flood Elevation(BFE) The elevation in relation to mean sea level of the crest of the base flood.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Building: A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

Channel: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and banks or shoreline, in or into which surface or ground water flows, either perennially or intermittently.

Channel modification: Alteration of a channel by changing the physical dimensions or material of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a typical relocation of the existing channel (e.g., straightening).

Compensatory storage: An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of the natural floodplain storage can increase off-site floodwater elevations and flows.

Conditional approval of a regulatory floodway map change: Preconstruction approval by IDNR-OWR and the Federal Emergency Management Agency of a proposed change to the floodway map. This preconstruction approval, pursuant to this part, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

Conditional letter of map revision (CLOMR): A letter, which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective flood hazard boundary map or flood insurance rate map, once the as-built plans are submitted and approved.

Critical facility: Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

Development: Any man-made change to real estate including, but not necessarily limited to:

- (A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B) Substantial improvement of an existing building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- (D) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) Construction or erection of levees, dams, walls, or fences;
- (F) Drilling, mining, filling, dredging, grading, excavating, paving, driving of piles, land clearing or other alterations of the ground surface.
- (G) Storage of materials including the placement of gas and liquid storage tanks; and
- (H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

DWR: Division of Water Resources.

Elevation certificate (EC): A form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (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 floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fema: Federal Emergency Management Agency.

Flood: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood fringe: That portion of the floodplain outside of the regulatory floodway.

Flood insurance rate map (FIRM): A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Floodplain and Special Flood Hazard Area (SFHA) are synonymous: Those lands within the jurisdiction of the county that is subject to inundation by the base flood or the 100-year frequency flood. The floodplains of the **Macoupin Creek, Mill Creek, Phils Creek, Piasa Creek, Otter Creek, Illinois and Mississippi Rivers** are generally identified as such on the Flood Insurance Rate Map of Jersey County prepared by the Federal Emergency Management Agency and dated **April 2, 2009**. Floodplains may also include detached special flood hazard areas, ponding areas etc. The floodplain is also known as the special flood hazard area (SFHA). Floodplain also includes those areas of known flooding as identified by the community.

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing certificate: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood protection elevation (FPE): The elevation of the base flood plus **three (3) foot** of freeboard at any given location in the floodplain.

Floodway: That portion of the floodplain required to store and convey the central portion of a riverine floodplain needed to carry the deeper, faster moving water of the base flood. The floodways for each of the floodplains of Jersey County shall be according to the best data available from Federal, State, or other sources.

Freeboard: An increment of elevation added to the base flood elevation to provide a factor of safety for

uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic structure: Any structure that is:

- (A) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (C) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
- (D) Individually listed on a local inventory of historic places by the Illinois Historic Preservation Agency.

Hydrologic and hydraulic calculations: Engineering analyses which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR jurisdictional stream: The Division regulates construction projects that may impact the flood carrying capacity of the rivers, lakes and streams. These rules affect all streams and lakes except those in northeastern Illinois regulated under Part 3708. All construction activities in the floodways of streams (the channel and the adjacent portion of the floodplain that is needed to safely convey and store flood waters) in urban areas where the stream drainage area is one square mile or more or in rural areas where the stream drainage area is ten square miles or more must be permitted by the Division prior to construction. Floodways have been delineated for many of these streams and appear on the Federal Emergency Management Agency's Flood Insurance Rate Maps. Those maps are available for viewing at the local building and / or zoning offices.

Letter of map revision (LOMR): Letter that revises the base flood or the 100-year flood frequency elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

Manufactured home: A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (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 floodplain management regulations adopted by a community. The term manufactured home also includes park trailers, travel trailers and any other similar vehicles placed on site for more than 180 consecutive days.

Mitigation: Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

NGVD: National Geodetic Vertical Datum of 1929. Reference surfaces set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

NFIP: National Flood Insurance Program.

Recreational vehicle or travel trailer: A vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred square feet (400) or less in size;
- (C) Designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Registered land surveyor: A land surveyor registered in the State of Illinois.

Registered professional engineer: An engineer registered in the State of Illinois.

Repair, remodeling or maintenance: Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

Start of construction: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure: The results of a manmade change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home; or installing a travel trailer on a site for more than 180 days.

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 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. Damage of less than 50% of the fair market value will be applied to the repetitive loss calculations.

Substantial improvement: Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, "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. The term does not, however, include either

- (A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or;
- (B) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Variance: A grant of relief by a community from the terms of a floodplain management regulation. Because a variance can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

Section 3. Base Flood Elevation.

This ordinance's protection standard is based on the Flood Insurance Study of the Unincorporated Jersey County. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior any development of the site.

- (A) The base flood elevation for the floodplains of *Macoupin Creek, Mill Creek, Phils Creek, Piasa Creek, Otter Creek, Illinois and Mississippi Rivers* shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of *Jersey County* prepared by the Federal Emergency Management Agency on **April 2, 2009**.
- (B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be

that elevation (or depth) delineated on the Flood Insurance Rate Map of Jersey County.

- (C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of Jersey County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

Section 4. Duties of the Floodplain Coordinator

The Floodplain Coordinator shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Jersey County meet the requirements of this ordinance. Specifically, the Floodplain Coordinator shall:

- (A) Process development permits in accordance with Section 5;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- (C) Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of Section 8;
- (E) Ensure that water supply and waste disposal systems meet the public health standards of Section 9;
- (F) If a variance is requested, ensure that the requirements of Section 10 are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all actions outlined in Section 12 as necessary to ensure compliance with this ordinance;
- (H) Assure that applicants are aware of and obtain any and all required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- (L) Maintain for public inspection base flood data, floodplain maps, and copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- (M) Perform site inspections and make substantial damage determinations for structures within the floodplain;
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

Section 5 Permitting Requirements.

No person, firm, corporation, non-profit, agricultural or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Floodplain Coordinator. The Floodplain Coordinator shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

For development in flood fringes, regulatory floodplains, and SFHA or floodplains where no floodways have been identified (zones A, AO, AH, AE, A1-A30, A99, AR, VO, V1-30, VE, V, M or E), the following requirements shall be met:

- (A) The application for development permit shall be made on a form provided by the county. The application shall be accompanied by:
 - 1) Drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by an Illinois licensed engineer, architect or land surveyor;
 - 2) Existing grade elevations in M.S.L. (1929 adjustments) datum or N.G.V.D. and all changes in grade resulting from excavation or filling;
 - 3) The location and dimensions of all buildings and additions to buildings;
 - 4) Enclosures below the base flood elevation and accessory buildings will require a Non-Conversion Agreement;
 - 5) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance; and
 - 6) Itemized cost of project or improvements as prepared by an IL licensed engineer or architect.
- (B) Upon receipt of an application for a development permit, the Floodplain Coordinator or the county engineer shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Floodplain Coordinator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
- (C) A soil erosion and sedimentation control plan for disturbed areas greater than 10,000 square feet shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate the effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

- (D) The County Floodplain Coordinator shall be responsible for obtaining from the applicant, copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity listed in Section 6. The Floodplain Coordinator shall not issue a permit unless all other local, state and federal permits have been obtained.

Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated the following standards shall apply:

- (A) Except as provided in Section 6, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
- 1) **No fill** shall be allowed in a floodway;
 - 2) Projects involving grading, large excavations, channel improvements, bridge and culvert replacements will require a No Rise Certificate completed by an Illinois licensed engineer, architect or land surveyor;
 - 3) Bridge and culvert crossings of streams in rural areas meeting the conditions of IDNR/OWR Statewide Permit Number 2;
 - 4) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3
 - 5) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4
 - 6) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5;
 - 7) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill, and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;
 - 8) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7;
 - 9) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;
 - 10) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/PWR Statewide Permit Number 10;
 - 11) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit Number 11;
 - 12) Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit Number 12;
 - 13) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit Number 13;
 - 14) Any development determined by IDNR/OWR to be located entirely *within* a flood fringe area.

- (B) Other development activities not listed in Subsection (a) may be permitted only if:
- 1) Fill is being used in the flood fringe to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain;
 - 2) Compensatory storage. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to one and one-half times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
 - 3) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.
 - 4) In-ground swimming pools located within the floodplain shall be designed as follows:
 - (a) Anchored to prevent floatation, collapse or lateral movement and ground level;
 - (b) Be constructed with materials and utility equipment resistant to flood damage and constructed by methods and practices that minimize flood damage per the ASCE 24 *Flood Resistant Design and Construction*;
 - (c) Installation of pressure relief valves in the pool floor and all mechanical equipment is to be elevated above the BFE;
 - (d) Pools shall not be enclosed by walls, roofs or solid fencing;
 - (e) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or NGVD or North American vertical datum, adjacent property lines and ownership, drainage and flood control easements, proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, location and orientation of cross sections, north arrow, and a graphic or numerical scale;
 - (f) Cross section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in a plan view, existing and proposed elevations, normal water elevation, 10-year frequency

flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

- (g) A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location;
- (h) Any and all other federal, state, and local permits or approval letters that may be required for this type of development;
- (i) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of subsection (B) of this section;
- (j) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project; the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a letter of map revision has been approved by FEMA;

Section 7. Protecting Buildings.

(A) In addition to the damage prevention requirements of Section 6, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- 1) Construction or placement of a new building valued at more than \$1,000 or 70 square feet;
- 2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the initial adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section;
- 3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance. If substantially damaged, the entire structure must meet the flood protection standards of this section within twenty-four (24) months of the date the damage occurred;
- 4) Structures that are determined to be 50% and over are considered substantially damaged in the floodplain. The owner(s) shall have the right to appeal. A written application for appeal must be received within 20 days after the Notice of Determination letter is received accompanied with the documentation as follows:
 - (a) an appeals board fee of \$200.00 shall be paid by the appellant. Members of the appeals board shall be compensated as determined by the County Board. Refer to the *Jersey County Fee Schedule*;
 - (b) a Contractor's Estimate to be completed by an Illinois licensed contractor listing all materials and cost of same to be replaced or added;

- (c) hourly labor listed for each job using the county's adopted wage scale;
 - (d) inspection reports from a mechanical contractor and electrician certifying the electrical, HVAC, hot water heater or other mechanical equipment is working in a safe and efficient manner.
- 5) Installing a manufactured on a new site;
 - 6) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year;
 - 7) Repetitive loss to an existing building as defined in Section 2.
- (B) Residential or non-residential buildings can meet the building protection requirements by one
- 1) of the following methods:
 - (a) The building may be constructed on permanent land **fill in flood fringe areas** in accordance with the following:
 - (b) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (c) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;
 - (d) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (e) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - (f) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or
 - 2) The building may be elevated in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must be certified by an Illinois registered professional engineer or architect and have a minimum of one permanent opening on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;
 - (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and

floating debris;

(e) The finished interior grade shall not be less than the finished exterior grade;

(f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(g) Water and sewer pipes, electrical and telephone lines, submersible pumps, and the service facilities may be located below the flood protection elevation provided they are waterproofed; and

(h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

3) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(C) Manufactured homes to be permanently installed on site shall be:

1) Elevated to or above the flood protection elevation; and

2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870; and

3) Porches or decks shall not be permanently attached;

4) Electrical and mechanical to be elevated above the BFE;

5) All enclosures below the flood protection elevation shall address hydrostatic pressures by allowing automatic entry and exit of floodwaters, and shall be used for storage, parking or building access;

6) Public health standards shall be met as referenced in Section 7 of this ordinance.

(D) Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of section 7 unless the following conditions are met:

1) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

2) The vehicle must not be attached to external structures such as decks and porches; and

3) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

4) The vehicles largest horizontal projections must be no larger than 400 square feet; and

5) The vehicle's wheels must remain on axles and inflated; and

6) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and

7) Propane tanks, electrical and sewage connections must be on a quick- disconnect and above the 100-year flood elevation; and

8) The vehicle must be licensed and titled as a recreational vehicle or park model; and

9) The vehicle must be either:

(a) entirely supported by jacks rather than blocks or

(b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use

of the hitch jack.

10) The vehicle must be registered and permitted by the Floodplain Coordinator *prior* to being placed on site (includes RV's being returned to original site); and

11) Must meet all of the requirements of Section 9.

(E) Only non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that*:

- 1) Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- 2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
- 3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

*Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(F) Garages, minor accessory or shed structures constructed ancillary to a residential use may be permitted provided the following conditions are met:

- 1) The garage or shed must be non-habitable; and
- 2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
- 3) The garage or shed must be located outside of the floodway; and
- 4) The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
- 5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
- 6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
- 7) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;
- 8) The garage or shed must be less than \$7,500 in market value or replacement cost, whichever is greater or less than 500 square feet; and
- 9) The structure shall be anchored to resist floatation and overturning; and
- 10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers etc.) shall be stored above the flood protection elevation; and
- 11) The lowest floor elevation shall be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

- 1) The building must be designed and adequately anchored to resist flotation, collapse, and

- lateral movement of the structure resulting from hydrodynamic and hydrostatic loads,
- 2) including the effects of buoyancy;
 - 3) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade;
 - 4) The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;
 - 5) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point; an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
 - 6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
 - 7) Utility systems within the crawlspace must be elevated above the flood protection elevation.

Section 8. Subdivision Requirements.

The Jersey County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

- (A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 6 and 7 of this ordinance.

Any proposal for such development shall include the following data:

- 1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
- 2) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2);
- 3) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels.

Section 9. Public Health and Other Standards

Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7, the following standards apply:

- (A) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and

anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

- (B) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
- (C) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Manholes or other above ground openings located below the flood protection elevation shall be watertight;
- (D) New and replacement private sewage disposal systems or waste disposal systems shall be a designed and sealed water tight holding tank or other sealed watertight compartments or tanks that will not be impacted by or impact surface waters. The system can be designed and certified by an Illinois licensed Professional Engineer and must be approved by the Illinois Department of Public Health as per Code 77 IL Administrative Code Part 905. to them or contamination from them during flooding. Leach fields are not allowed in the SFHA.
- (E) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the five-hundred-year flood frequency elevation or three feet above the level of the one-hundred-year flood frequency elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- (F) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

Section 10. Variances.

No variances shall be granted to any development located in a regulatory floodway as defined in Section 2 of the ordinance. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the county's floodplain coordinator for a variance. The cost of the variance shall be \$2,000.00. The floodplain coordinator shall review the applicant's request for a variance and shall submit its recommendation to the proper committee appointed by the Jersey County Board. The committee shall review the request and submit their recommendation to the Jersey County Board. The Jersey County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- (A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - 1) The development activity cannot be located outside of the floodplain;
 - 2) The development activity cannot be located outside the floodplain;
 - 3) An exceptional hardship would result if the variance were not granted;
 - 4) The relief requested is the minimum necessary;
 - 5) There will be no additional threat to public health or safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
 - 6) Here will be no additional public expense for flood protection, lost environmental stream

uses and functions, rescue or relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities;

- 7) Applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP;
- 8) The activity is not in a regulatory floodway;
- 9) The provisions of Section 6 and 7 of this ordinance are still met, and all other required state and federal permits have been obtained.

(B) The Floodplain Coordinator shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 7 that would lessen the degree of protection to a building will:

- 1) Result in increased premium rates for flood insurance up to \$25 *per* \$100 of insurance coverage;
- 2) Increase the risks to life and property; and
- 3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Historic Structures. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of an historic site or historic structure as defined in "historic structures" in Section 2 may be granted using criteria more permissive than the requirements of Section 6 and 7 of this ordinance subject to the conditions that:

- 1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure;
- 2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) Agriculture. Agricultural buildings are not exempt from permitting. Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance. In order to minimize flood damages during the one-hundred-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

- 1) All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
- 2) Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- 3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section 7 of this ordinance.

- 4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the buildings' structural components must be capable of resisting specific flood-related forces, including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- 5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance
- 6) The NFIP requires that enclosure or foundation walls, subject to the one-hundred-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7 of this ordinance.
- 7) The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
- 8) Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 11. Disclaimer of Liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the County or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully hereunder.

Section 12. Penalty

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Floodplain Coordinator may determine that a violation of the minimum standards of this ordinance exists. The Floodplain Coordinator shall notify the owner in writing of such violation.

(A) If such owner fails after ten days (10) notice to correct the violation:

- 1) The County shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the Court deems necessary to secure compliance with the ordinance;
- 2) Any person who violates this ordinance shall upon conviction thereof be fined not less than \$50.00 nor more than \$750.00 for each offense;
- 3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
- 4) The County shall record a notice of violation on the title to the property.

(B) The Floodplain Coordinator shall inform the owner that any such violation is considered a willful

act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended

- 1) The Floodplain Coordinator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
- 2) No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:
 - (a) The grounds for the complain and reasons for suspension or revocation; and
 - (b) The time and place of the hearing
- 3) At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 13. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Jersey County Board to fulfill the requirements of the National Flood Insurance Program including: June 10, 2003, March 13, 2007, June 21, 2008 and amended on October 14, 2008. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14. Severability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This ordinance does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This ordinance does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 15. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Passed by the County Board of Jersey County, Illinois, this ____ day of

Approved by me this day of

County Clerk

Approved by me this [redacted] day of [redacted]

County Board Chairman

ATTESTED and FILED in my office this day of

Jersey County Clerk

Published in pamphlet form by authority of the County Board of the County of Jersey, Jersey County, Illinois this 14th day of October, 2008 pursuant to the provisions contained in 55 ILCS 5/5 – 1041 and 5/5 – 1063
