

ORDINANCE NO. O-2007-22

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 (FLOODS) OF THE *CODE OF ORDINANCES OF BENTON COUNTY, ARKANSAS* TO UPDATE THE FLOOD DAMAGE PREVENTION PROGRAM FOR BENTON COUNTY; AND DECLARING AN EMERGENCY

WHEREAS, as a condition of participation in the National Flood Insurance Program, local governments are required to adopt, administer, and enforce certain flood damage prevention regulatory measures; and

WHEREAS, the Benton County Flood Damage Prevention Ordinance, initially passed in 1991, amended in subsequent years, and codified in Chapter 38 of the Code of Ordinances of Benton County, Arkansas has been reviewed and determined to be in need of technical amendments; and

WHEREAS, said amendments are necessary to insure Benton County's continued participation in the National Flood Insurance Program.

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. That the following definitions in **Section 38-26, Definitions**, of the *Code of Ordinances of Benton County* are hereby amended to read as follows:

“Area of shallow flooding means a designated AO or AH zone on the county's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, and where the path of the flooding is unpredictable. Such flooding is characterized by ponding and sheet flow.”

“Area of special flood hazard means the land in a floodplain within the county subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood insurance rate map (FIRM). After detailed studies have been completed, zone A usually is refined into zones AE, AH, or AO.”

“Elevated building means a non-basement building:

(1) Built, in zones AE, A, AO, AH, X, and D, to have the top of the bottom floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and

(2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of one foot above the base flood.

For zones AE, A, AO, AH, X, and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

ARTICLE 2. That **Section 38-30, Basis for establishing areas of special flood hazard**, of the Code of Ordinances of Benton County, Arkansas is hereby amended to read as follows:

“**Sec. 38-30.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas” dated September 28, 2007, with accompanying flood insurance rate maps (FIRM) are adopted by reference and declared to be part of this article.”

ARTICLE 3. That **Section 38-54, Duties and responsibilities of the floodplain administrator** part (a) (6) is hereby amended to read as follows:

“(6) Notify, in riverine situations, adjacent communities and the Arkansas Natural Resource Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.”

ARTICLE 4. That **Section 38-54, Duties and responsibilities of the floodplain administrator**, part (a) (9) is hereby amended to read as follows:

“(9) When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development, including fill, shall be permitted within zone AE on the county’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county.”

ARTICLE 5. That **Section 38-54, Duties and responsibilities of the floodplain administrator**, part (b) is hereby amended to read as follows:

“Under 44 CFR 65.12 of the National Flood Insurance Program regulations, the county may approve certain development in zones AE or AH on the county’s FIRM which increases the water surface elevation of the base flood by more than one foot, provided the county first applies for a conditional letter of map revision through FEMA.”

ARTICLE 6. That **Section 38-73, Specific standards**, part (4) is hereby amended to read as follows:

“(4) *Manufactured homes.*

a. All manufactured homes placed within zone A on a county’s FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this subsection, manufactured homes must be elevated and 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. This is in addition to all applicable state and local anchoring requirements for resisting wind forces.

b. Manufactured homes that are placed or substantially improved within zones AH and AE on the county’s FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above an elevation one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within zones AH and AE on the county’s FIRM that are not subject to this subsection shall be elevated so that either:

1. The lowest floor of the manufactured home is at or above an elevation one foot above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.”

ARTICLE 7. That **Section 38-73, Specific standards**, part (5) is hereby amended to read as follows:

“(5) *Recreational vehicles.* All recreational vehicles placed on sites within zones AH and AE on the county’s FIRM shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 38-52(a) and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.”

CERTIFICATE

I, Mary L. Slinkard, the undersigned County Clerk of Benton County, Arkansas, hereby certify that the foregoing pages are a true and perfect copy of Ordinance No. O-2007-22 duly passed by a vote of 11 yeas, 0 nays, 2 absent, at a regular session of the Quorum Court of Benton County, Arkansas, held at the regular meeting place of the Quorum Court at 5:00 o'clock p.m., on the 27th day of September, 2007, and that said Ordinance is of record in Ordinance Record Book No. 7, Page 615, now in my possession.

GIVEN under my hand and seal this 1st day of October, 2007.

MARY L. SLINKARD, County Clerk

(SEAL)