

Ordinance No. 87

Bill No. \_\_\_\_\_

**AN ORDINANCE PROHIBITING THE DESTRUCTION  
OR REMOVAL OF PROPERTY  
WITHIN THE CORPORATE LIMITS OF THE CITY  
OF ARCADIA, MISSOURI,**

***BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF  
ARCADIA, MISSOURI, as follows:***

**SECTION ONE. DESTRUCTION OR REMOVAL OF PROPERTY.**

- (a) No person shall cut, remove, deface or in any manner injure, damage, molest, destroy, disturb or interfere with real or personal property owned or controlled by the city.
- (b) No person shall cut, destroy, remove, disturb or injure any plant, flower, shrub, tree or bush growing upon any property owned or controlled by the city.
- (c) No person shall willfully deface, injure, tamper with, break, disturb, interfere with, damage or destroy any property, real or personal, belonging to or under the control of another.

**SECTION TWO. PENALTY.**

Any person who shall violate any of the other terms and regulations of this ordinance, shall, upon conviction, be fined not less than ten dollars nor more than five hundred dollars.

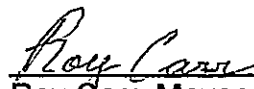
**SECTION THREE. CONFLICTING ORDINANCES.**

Any and all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval.

**WHEREUPON**, this Ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 11<sup>th</sup> day of April, 2005.

Attest:

  
Mary Johnson, City Clerk

  
Roy Garr, Mayor

**FLOODPLAIN MANAGEMENT ORDINANCE****60.3 (D) Amended February 16, 2006****ARTICLE 1: STATUTORY AUTHORIZATION, FINDING OF FACT AND PURPOSES****SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Missouri has in Chapter 89.020 of the Missouri State Statutes delegated the responsibility to local governmental units to adopt floodplain Management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Arcadia, ordain as follows:

**SECTION B. FINDING OF FACT****1. Flood Losses Resulting from Periodic Inundation**

The special flood hazard areas of the City of Arcadia, Missouri are subject To inundation which results in loss of life and 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.

**2. General Causes of the Flood Losses**

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

**3. Methods Used to Analyze Flood Hazards**

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method to analyzing flood hazards which consist of a series of interrelated steps.

- A. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which can be expected to have a one percent change of occurrence in any year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated February 16, 2006 as amended, and any future revisions thereto.

- B. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- C. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- D. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- E. Delineation of flood fringe, i.e., that area outside the flood encroachment lines, but still subject to inundation by the base flood.

## **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote public health, safety, and general welfare; To minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22 (a) (3); and to meet the Requirements of 44 CFR 60.3 (d) by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Requires uses vulnerable to floods, including public facilities that serve such Uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended Development purposes due to flood hazard.

## **ARTICLE 2: GENERAL PROVISIONS**

### **SECTION A. LANDS TO WHICH ORDINANCE APPLIES**

This ordinance shall apply to all lands within the jurisdiction of the City of Arcadia identified as numbered and unnumbered A zones AE, AO, and AH Zones, on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), Iron County Panels 290930257C, 290930259C, 290930276C, 290930278C, dated February 16, 2006. as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the governing body or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

## SECTION B. FLOODPLAIN ADMINISTRATOR

The Building Inspector is hereby designated as the Floodplain Administrator under this ordinance.

### ARTICLE 4:

#### SECTION B: SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones, AE and AH Zones, Where base flood elevation data has been provided, as set forth in Article 4, Section A (2), the following provisions are required:

##### A. Residential Construction

New construction or substantial improvement of any residential structures, Including manufactured homes, shall have the lowest floor, including basements, elevated to Two (2) feet above base flood elevation.

##### B. Non-Residential Construction

New Construction or substantial improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, to two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator as set forth in Article 3, Section C (9).

- C. Required, for all new construction and substantial-improvements, that fully Enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designated to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designed for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided: and

- (2) The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

## SECTION C: MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to: use of over-the-top or frames ties to ground anchors.
2. Required manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones. On the community's FIRM on sites:
  - a. outside of manufactured home park or subdivision;
  - b. in a new manufactured home park or subdivision;
  - c. in an expansion to an existing manufactured home park or subdivision; or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood.

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C (2) of this ordinance, be elevated so that either:
  - a. the lowest floor of the manufactured home is two (2) feet above the base flood level; or
  - b. the manufactured home chassis is supported by reinforced piers or other

foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### **SECTION D. AREAS OF SHALLOW FLOODING (OA and AH zones)**

Located within the areas of special flood hazard as described in Article 2, Section A are areas designated as AO zones. These areas have special flood hazards associated with base depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

#### **SECTION F. RECREATIONAL VEHICLES**

1. Requires that recreational vehicles placed on site within all unnumbered and numbered A zones, AO, AE, and AH zones on the community's FIRM either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use\*; or
- c. meet the permitting, elevating, and anchoring requirements for manufactured homes of this ordinance.

\* 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.

### **ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

#### **SECTION A. ESTABLISHMENT OF APPEAL BOARD**

The Board of Aldermen (appeal board) as established by the City of Arcadia shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

#### **SECTION B. RESPONSIBILITY OF APPEAL BOARD**

Where an application for a floodplain development permit is denied by the Building Inspector (floodplain administrator), the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in Article 5, Section A.

The Board of Aldermen (appeal board) shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by

the Building Inspector (floodplain administrator) in the enforcement or administration of this ordinance.

#### SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Board of Aldermen (appeal board) or any taxpayer may appeal such decision to the Iron County Circuit Court as provided in 89.110.

#### SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variance, the Board of Aldermen (appeal board) shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. the danger to life and property due to flood damage;