

CHAPTER 152: DEVELOPMENT IN FLOODPLAIN AREAS

Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Base flood elevation
- 152.04 Duties of the Floodplain Manager
- 152.05 Development permit
- 152.06 Preventing increased flood heights and resulting damages
- 152.07 Protecting buildings
- 152.08 Subdivision requirements
- 152.09 Public health and other standards
- 152.10 Variances
- 152.11 Disclaimer of liability
- 152.12 Abrogation and greater restrictions
- 152.13 Carrying capacity and notification

- 152.99 Penalty

§ 152.01 PURPOSE.

(A) This chapter is enacted pursuant to the police powers granted to the county by state 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.

(B) This chapter is adopted in order to accomplish the following specified purposes:

- (1) 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, approved June 10, 1911, as amended;
- (2) To ensure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
- (3) To protect new buildings and major improvements to buildings from flood damage;
- (4) To protect human life and health from the hazards of flooding;
- (5) To lessen the burden on the taxpayer for flood control, repairs to public facilities, utilities flood rescue and relief operations;
- (6) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (7) To make federally subsidized flood insurance available;
- (8) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 C.F.R. 59-79, as amended;
- (9) To protect, conserve and promote the orderly development of land and water resources; and
- (10) 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.

(Ord. 21-4, passed 11-9-2021)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. An act in relation to the regulations of the rivers, lakes and streams of the state.

(615 ILCS 5/5 et seq.)

ACCESSORY STRUCTURE. A non-inhabitable building, used only for parking of vehicles or storage, that is on the same property as the principal building and which is incidental to the use of the principal building.

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

BASE FLOOD. The flood having a 1% 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 §152.03.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. The portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING.

(1) 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.

(2) 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 humanmade drainage way 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 and the like).

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 flood water 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.

(1) Any human-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.

(2) **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 and low elevation areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source. **FLOOD** also includes the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash **FLOOD** or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.

FLOOD FRINGE. The 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.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN. Synonymous with **SPECIAL FLOOD HAZARD AREA (SFHA)**. Those lands within the jurisdiction of the county that is subject to inundation by the base 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. **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 or FPE. The elevation of the base flood plus three feet of freeboard at any given location in the floodplain.

FLOODWAY. The portion of the floodplain required to store and conveys the base flood. The **FLOODWAYS** for each of the floodplains of the 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:

- (1) 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;
- (2) 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;
- (3) Individually listed on the state inventory of historic places by the State Historic Preservation Agency; or
- (4) Individually listed on a local inventory of historic places by the State 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 rivers, lakes and streams. These rules affect all streams and lakes except those in northeastern part of the state regulated under Part 3708.

(1) 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.

(2) 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 AMENDMENT (LOMA). Official determination by FEMA that a specific building, defined area of land or a parcel of land where there has not been any alteration of the topography since the date of the first NFIP map showing the property within the floodplain was inadvertently included within the floodplain and that the building, defined area of land or a parcel of land is removed from the floodplain.

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.

LOWEST FLOOR. 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 § 152.07.

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 **NEW MANUFACTURED HOME** also includes park trailers, travel trailers and any other similar vehicles placed on site for more than 180 consecutive days.

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

NGVD 88. National Geodetic Vertical Datum of 1988. NAVD supersedes the National Vertical Datum of 1929 (**NGVD**).

NFIP. National Flood Insurance Program.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. A vehicle which is:

- (1) Built on a single chassis;
- (2) Is equal to or less than 400 feet in size; and
- (3) 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 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 180 days of the permit date.

(1) 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.

(2) 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 humanmade 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. (See the

definition of **BUILDING** above);

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten-year period equals or exceeds 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.

(1) Any reconstruction, rehabilitation, addition or improvement of a structure, taking place during a ten-year period in which the cumulative percentage of improvement or repair equals or exceeds 50% 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.

(2) 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 this chapter 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.

(Ord. 21-4, passed 11-9-2021)

§ 152.03 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is based on the flood insurance study of the county.

(B) (1) 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.

(2) 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. 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. 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.

(Ord. 21-4, passed 11-9-2021)

§ 152.04 DUTIES OF THE FLOODPLAIN MANAGER.

(A) The Floodplain Manager shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the county meet the requirements of this chapter.

(B) Specifically, the Floodplain Manager shall:

(1) Process development permits in accordance with §152.05 and ensure all development activities happen in a timely manner;

(2) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 152.06;

(3) 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;

(4) Ensure that the building protection requirements for all buildings subject to §152.07 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

(5) Assure that all subdivisions and annexations meet the requirements of §152.08 and notify FEMA, in writing, whenever the corporate boundaries have been modified by annexation;

(6) Ensure that water supply and waste disposal systems meet the public health standards of §152.09;

(7) If a variance is requested, ensure that the requirements of §152.10 are met and maintain documentation of any variances granted;

(8) Inspect all development projects and take any and all actions outlined in §152.12 as necessary to ensure compliance with this chapter;

(9) Assure that applicants are aware of and obtain any and all other required local, state and federal permits, including permits pertaining to IDNR/OWR floodway and dam safety rules, the Clean Water Act, public water supply, Endangered Species Act and State Endangered and Species Protection Act;

(10) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(11) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(12) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

(13) 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 chapter;

(14) Perform site inspections and make substantial damage determinations for structures within the floodplain;

(15) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map;

(16) Review elevation certificates for accuracy and require incomplete or deficient certificates to be corrected;

(17) Notify FEMA and IDNR/OWR of any proposed amendments to this chapter;

(18) Schedule an annual inspection of the floodplain and document the results of the inspection; and

(19) Establish procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage:

(a) Determine the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified, independent appraiser of the building before the start of construction of the proposed work. In the case of repair, the market value of the building shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building;

(c) Determine and document whether the proposed work constitutes substantial improvement or substantial damage; and

(d) Notify the property owner of all determinations and responsibilities for permitting and mitigation.

(Ord. 21-4, passed 11-9-2021)

§ 152.05 DEVELOPMENT PERMIT.

(A) No person, firm, corporation or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Floodplain Manager.

(B) No person, firm, corporation or governmental body shall commence any development of a critical facility on land below the 0.2% annual chance food elevation without first obtaining a development permit from the Floodplain Manager. The Floodplain Manager shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(C) For development in flood fringes, regulatory floodplains, and SFHA or floodplains where no floodways have been identified (zones A, AO, AH, AE, A1 through A30, A99, AR, VO, V1 through V30, VE, V, M or E), the following requirements shall be met. The application for development permit shall be made on a form provided by the county.

(1) The application for development permit shall be accompanied by:

(a) Drawings of the site, drawn to scale showing property line dimensions and legal description for the property and sealed by a licenced engineer, architect or land surveyor;

(b) Existing grade elevations using NAVD 88 and all changes in grade resulting from excavation or filling;

(c) The location and dimensions of all buildings and additions to buildings;

(d) Enclosures below the base flood elevation and accessory buildings will require a non- conversion agreement

(e) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 152.07; and

(f) Itemized cost of project or improvements as estimated by a licensed engineer or architect.

(2) Upon receipt of an application for a development permit, the Floodplain Manager or the County Engineer shall

compare the elevation of the site to the base flood elevation (BFE). Any development located on land that can be shown by survey data to be below the current BFE is subject to the provisions of this chapter.

(3) Any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this chapter.

(4) Any development located on land that can be shown by survey data to be higher than the current base flood elevation (BFE) and which has not been filed after the date of the site's first flood insurance rate map is not in the mapped floodway, or located in Zone A, is not in the floodplain and therefore not subject to the requirements of this chapter. A LOMA-floodway is required before developing land inadvertently included in the mapped floodway. Unless a LOMA is obtained, all provisions of this chapter apply if the land is located in a Zone A.

(5) Any development located on land that is above the current BFE, but will be graded to an elevation below the BFE, is subject to the provisions of this chapter.

(6) The Floodplain Manager shall maintain documentation of the existing ground elevation at the development site and certification that the ground elevation existed prior to the date of the site's first FIRM identification.

(7) 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.

(8) The Floodplain Manager 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 § 152.06. The Floodplain Manager shall not issue a permit unless all other local, state and federal permits have been obtained.

(D) Upon receipt of an application for a critical facility, the Floodplain Manager shall compare the elevation of the site to the 0.2% annual chance flood elevation, if available. Refer to § 152.09 for critical facility site requirements.

(E) A development permit or approval shall become invalid unless the actual start of construction, as defined, for work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences.

(F) All permitted work shall be completed within 12 months after the date of issuance of the permit or the permit shall expire. Time extensions of not more than 90 days each may be granted, in writing, by the Floodplain Manager. Time extensions shall be granted only if the original permit is compliant with this chapter and the FIRM and FIS in effect at the time the extension is granted.

(G) The applicant is required to submit certification by a registered, licensed professional engineer or registered land surveyor that the finished fill and building elevations were accomplished in compliance with § 152.07. Floodproofing measures must be certified by a registered professional engineer or registered architect as being compliant with applicable floodproofing standards.

(H) Accessory structures designed in accordance with §152.07 are exempt from certification, provided sufficient compliance with the development permit are documented. FEMA elevation certificate and floodproofing certificate forms may be required as documentation of compliance.

(I) An as-built grading plan prepared by a registered professional engineer is required to certify that any development in floodplain, such as grading or the construction of bridges or culverts, are in substantial conformance with the development permit.

(J) No building, land or structure may be occupied or used in any manner until a letter or certificate has been issued by the Floodplain Manager stating that the use of the building or land conforms to the requirements of this chapter.

(K) The Floodplain Manager must maintain records in perpetuity documenting compliance with this chapter including the elevation to which structures and alterations to structures are constructed or floodproofed.

(L) Refer to § 36.098 in the county fee schedule of this code of ordinances.

(Ord. 21-4, passed 11-9-2021)

§ 152.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within all floodplains where a floodway has not been 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 division (B) below, 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 or bridge and culvert replacements will require a no-rise certificate completed by an licensed engineer, architect or land surveyor;

- (3) Bridge and culvert crossings of streams in rural areas meeting the conditions of IDNR/OWR Statewide Permit No. 2;
- (4) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (5) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (6) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 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 No. 6;
- (8) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (9) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (10) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (11) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;
- (12) Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit No. 12;
- (13) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- (14) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

(B) Other development activities not listed in division (A) above may be permitted only if:

(1) Fill is being used in the flood fringe to elevate the site above the base 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) 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 elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation;

(3) 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;

(4) 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;

(5) 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

(6) 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.

(C) In-ground swimming pools located within the floodplain shall be designed as follows:

(1) Anchored to prevent floatation, collapse or lateral movement and ground level;

(2) 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;

(3) Installation of pressure relief valves in the pool floor and all mechanical equipment is to be elevated above the BFE;

(4) Pools shall not be enclosed by walls, roofs or solid fencing;

(5) A plan view of the project and engineering study each showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level using NAVD 88, 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;

(6) Cross-section views of the project and engineering study each showing existing and proposed conditions including principal dimensions of the work as shown in a plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation and graphic or numerical scales (horizontal and vertical);

(7) A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location;

(8) Any and all other federal, state and local permits or approval letters that may be required for this type of development;

(9) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of division (B) above; and

(10) 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;

(Ord. 21-4, passed 11-9-2021)

§ 152.07 PROTECTING BUILDINGS.

(A) (1) In addition to the damage prevention requirements of §152.06, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation.

(2) This building protection requirement applies to the following situations:

(a) Construction or placement of a new building valued at low replacement value;

(b) Value of improvements equals or exceeds the market value by 50% during a ten-year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section;

(c) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a ten-year period. If substantially damaged, the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred;

(d) 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. An Appeals Board fee of \$200 shall be paid by the appellant. Members of the Appeals Board shall be compensated as determined by the County Board. Refer to the county fee schedule in Chapter 36 of this code of ordinances. A written application for appeal must be received within 20 days after the notice of determination letter is received accompanied with the following documentation:

1. A contractor's estimate to be completed by a licensed contractor listing all materials and cost of same to be replaced or added;

2. Hourly labor listed for each job using the county's adopted wage scale; and

3. 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.

(e) Installing a manufactured home on a new site;

(f) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

(g) Repetitive loss to an existing building as defined in §152.02.

(B) Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill in flood fringe areas in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least 20 feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measures;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and, when necessary, storm water management techniques such as swales or basins shall be incorporated.

(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 either be certified by a registered professional engineer or architect and by having 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. Refer to FEMA TV 1, Openings in Foundation Walls and WALLS of Enclosures, for additional guidance;

(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 other 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 section.

(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 Ill. Admin. Code 870 et seq.;

(3) Porches or decks shall not be permanently attached;

(4) Electrical and mechanical elements shall 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. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance; and

(6) The vehicle must meet public health standards shall be met as referenced in §152.09.

(D) Travel trailers and recreational vehicles on a site for more than 180 days shall meet the elevation requirements of division (C) above 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;

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

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

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

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

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

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

(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 Manager prior to being placed on site (includes RVs being returned to original site); and

(11) The vehicle must meet all of the requirements of §152.09.

(E) (1) Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

(a) Below the flood protection elevation the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood;

(b) 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

(c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(2) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division (E).

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

- (1) The structure or shed must be non-habitable;
- (2) The structure or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;
- (3) The structure or shed must be located outside of the floodway;
- (4) The structure or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot;
- (5) Below the base flood elevation, the structure or shed must be built of materials not susceptible to flood damage;
- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation;
- (7) The structure 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 structure must be no more than one story in height and no more than 500 square feet in size;
- (9) The structure shall be anchored to resist floatation and overturning;
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers and the like) shall be stored above the flood protection elevation; and
- (11) The lowest floor elevation should 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, including the effects of buoyancy;
- (2) 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;
- (3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade;
- (4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point;
- (5) 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.

(Ord. 21-4, passed 11-9-2021)

§ 152.08 SUBDIVISION REQUIREMENTS.

(A) The 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.

(B) (1) 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 §§ 152.06 and 152.07.

(2) Any proposal for such development shall include the following data:

- (a) 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);
- (b) 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 ILCS 205/2); and
- (c) Street, 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.

(Ord. 21-4, passed 11-9-2021)

§ 152.09 PUBLIC HEALTH AND OTHER STANDARDS.

Public health standards must be met for all floodplain development. In addition to the requirements of §§152.06 and 152.07, 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 § 152.07.

(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) (1) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(2) The system can be designed and certified by a licensed professional engineer and must be approved by the State Department of Public Health as per 77 ILCS 905. 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 0.02% annual flood frequency elevation or three feet above the base flood 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, and as development shall be designed, so as not to alter flood flows or increase potential flood damages.

(G) Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.

(H) The Floodplain Manager shall require a conditional letter of map revision (CLOMR)/letter of map revision (LOMR) prior to the issuance of a development permit for:

(1) Proposed development which will increase the BFE by more than 0.1 feet in riverine area where FEMA has provided a BFE but no floodway;

(2) Once a CLOMR has been issued, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits. Review this section for the construction of buildings in a floodplain issued a LOMR based on fill; and

(3) When construction of a building following a LOMR based on fill is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may not apply for a permit from the county to construct the lowest floor of a building below the BFE in the floodplain.

(Ord. 21-4, passed 11-9-2021)

§ 152.10 VARIANCES.

(A) (1) No variances shall be granted to any development located in a regulatory floodway, as defined in §152.02. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the county's Floodplain Manager for a variance. The cost of the variance shall be \$2,000.

(2) The Floodplain Manager shall review the applicant's request for a variance and shall submit its recommendation to the proper committee appointed by the County Board. The Committee shall review the applicant's request for a variance and shall submit its recommendation to the County Board. The County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) 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 the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;

(5) There 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;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP;

(7) The activity is not in a regulatory floodway; and

(8) The provisions of §§ 152.06 and 152.07 are still met, all other required state and federal permits have been obtained.

(C) The Floodplain Manager shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 152.07 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.

(D) Variances to the building protection requirements of §152.07 requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the State Register of Historic Places may be granted using criteria more permissive than the requirements of §§ 152.06 and 152.07, subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(E) Agricultural buildings are not exempt from floodplain regulations. 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 chapter. In order to minimize flood damages during the 0.1% chance of a 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 chapter 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 (e.g., foundation, wall framing, exterior and interior finishes, flooring, and the like) below the base flood elevation must be built with flood-resistant materials in accordance with § 152.07.

(4) The agricultural structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structures in accordance with § 152.07. 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 § 152.07.

(6) The NFIP requires that enclosure or foundation walls subject to the 100-year flood contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 152.07.

(7) The agricultural structures must comply with the floodplain management floodway provisions of §152.06. 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 coordinator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

(Ord. 21-4, passed 11-9-2021)

§ 152.11 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter 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 human-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter 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 chapter or any administrative decision made lawfully hereunder.

(Ord. 21-4, passed 11-9-2021)

§ 152.12 ABROGATION AND GREATER RESTRICTIONS.

(A) This chapter repeals and replaces other ordinances adopted by the County Board to fulfill the requirements of the national flood insurance program including: June 10, 2003, March 13, 2007, June 21, 2008, October 14, 2008, and amended on November 9, 2021.

(B) However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(C) Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 21-4, passed 11-9-2021)

§ 152.13 CARRY CAPACITY AND NOTIFICATION.

For all projects involving channel modification, fill or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the county shall notify adjacent communities, in writing, 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(Ord. 21-4, passed 11-9-2021)

§ 152.99 PENALTY.

(A) 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 chapter. Upon due investigation, the Floodplain Manager may determine that a violation of the minimum standards of this chapter exists. The Floodplain Manager shall notify the owner in writing of such violation.

(B) (1) If such owner fails after ten days' notice to correct the violation:

(a) The county shall make application to the Circuit Court for an injunction requiring conformance with this chapter or make such other order as the Court deems necessary to secure compliance with the chapter;

(b) Any person who violates this chapter shall upon conviction thereof be fined not less than \$50 nor more than \$750 for each offense; and

(c) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(2) The county shall record a notice of violation on the title to the property.

(C) The Floodplain Manager 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 Manager 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 complaint 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 or her behalf. At the conclusion of the hearing, the Board of Appeals shall determine whether the permit shall be suspended or revoked.

(D) 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.

(Ord. 21-4, passed 11-9-2021)