

**FLOOD DAMAGE PREVENTION ORDINANCE**  
(for compliance with 44 CFR 60.3(a))

**WHEREAS,** The Legislature of the State of Georgia has in Georgia Code Annotated, Article IX, Section II, Paragraph I delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry;

**WHEREAS,** There are flood prone areas within **FORT GAINES** which are subject to periodic inundation, the flooding of which adversely affects the public health, safety and general welfare;

**WHEREAS,** The Federal Emergency Management Agency has not yet published a Flood Insurance study, Flood Hazard Boundary Map, or Flood Insurance Rate map for **FORT GAINES**

**WHEREAS,** The City of **FORT GAINES** wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the minimum floodplain management standards of Section 60.3(a) of the Federal Insurance Administration which are intended to reduce future flood damages;

**NOW THEREFORE,** The City of **FORT GAINES** ordains as follows:

**SECTION 1. PERMIT REQUIREMENTS.**

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities within the jurisdictional limits of **FORT GAINES** (Please see definition of "development" in Appendix 1.) No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION 2. PERMIT APPLICATION.**

Application for a Development Permit shall be made to the **CITY CLERK** on forms furnished for that purpose prior to any development activities, and may include, but not be limited to, the plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities; and description of the extent to which any watercourse will be altered or relocated as result of proposed development.

**SECTION 3. PERMIT PROCEDURES.**

The **CITY CLERK** shall:

- (1) Review all development permits to determine whether proposed building sites are within an "area of special flood hazard" and/or will be reasonably safe from flooding and shall assure that the requirements of this ordinance have been satisfied.

- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Obtain, review, and reasonably utilize any flood hazard information available from a federal, state or other source, in order to administer this ordinance. At minimum, the following comprise the "area of special flood hazard": identified wetlands, low-lying areas along the shores of lakes and streams, areas subject to shallow flooding during intense storms, and areas known to have flooded historically.
- (4) Obtain from the permittee an Elevation Certificate, prepared by a state-licensed surveyor, providing the actual elevation of the lowest floor (including basement) of all new or substantially improved buildings, in relation to both mean sea level and to highest adjacent natural grade. This shall occur at the time the lowest floor is established and shall be a condition for granting a Certificate of Occupancy or Completion.
- (5) Maintain and all records pertaining to the provisions of this ordinance. Such record shall filed by legal description in the office of the CITY CLERK and shall be open for public inspection.

**SECTION 4. BUILDING STANDARDS FOR FLOOD DAMAGE REDUCTION.**

In "areas of special flood hazard", the following provision shall apply to new construction or substantial improvement of buildings and structures:

- (1) New construction and substantial improvements shall be:
  - (a) elevated at least two feet above highest adjacent grade,
  - (b) designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure,
  - (c) constructed with materials and utility equipment resistant to flood damage, and
  - (d) constructed by methods and practices that minimize flood damage.
- (2) Manufactured homes shall be elevated at least two feet above highest adjacent grade and shall be anchored to prevent 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 standard shall be in addition to and consistent with applicable building code requirements for resisting wind forces.
- (3) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be elevated at least two feet above highest adjacent grade or floodproofed to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) Any addition, alteration, repair, reconstruction or improvement to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction".

- (5) Accessory Structures. Structures that represent minimal investments, are not used for human habitation, and that are subordinate to and accessory to the primary structure or use on the property (eg. storage sheds, detached garages, gazebos, and barns) may be exempted from the elevation requirement provided the other standards of this Section are met.
- (6) Recreational Vehicles. All recreational vehicles placed on sites must either be fully licensed and ready for highway use, or the recreational vehicle must be installed as a manufactured home. 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 structures.
- (7) Historic buildings. Historic buildings, as defined, are exempt from the elevation and other standards of this section, provided written documentation is provided from the State Historic Preservation Office that the proposed repairs or rehabilitation will not preclude the building's continued designation as a historic structure.

#### SECTION 5. STANDARDS FOR WATER AND SEWER SYSTEMS

In "areas of special flood hazard" the following provisions are required for the installation or reconstruction of water and sewer systems:

- (1) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (3) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and.

#### SECTION 6. SETBACKS FROM STREAMS AND LAKES

- (1) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater.
- (2) Buildings shall not be permitted partially or wholly over water.

#### SECTION 7. STANDARDS FOR SUBDIVISION PROPOSALS AND OTHER LARGE DEVELOPMENTS

Proposals for subdivisions and other large developments, including shopping centers, industrial parks and complexes, public facilities and manufactured home parks and subdivisions, shall:

- (1) Be designed and located so as to minimize future flood damages both on-site and on lands affected by the development;
- (2) Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- (3) Have adequate drainage provided to reduce exposure to flood hazards;
- (4) Have Base flood elevation data developed in accordance with standard engineering practice, when the development is greater in size than fifty lots or five acres. Such data shall be provided to the Federal Emergency Management Agency within six months.
- (5) Have the base flood boundary and the base flood elevation for the building site on each lot shall be clearly marked on all recorded subdivision plats and approved site development plans.

**SECTION 8. ABROGATION AND GREATER RESTRICTIONS.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION 9. INTERPRETATION.**

In the interpretation and application of this ordinance all provisions shall be:

- (1) considered as minimum requirements;
- (2) liberally construed in favor of the governing body, and;
- (3) deemed neither to limit nor repeal any other powers granted under state statutes.

**SECTION 10. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes given the flood information available. This ordinance shall not create liability on the part of FORT GAINES or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION 11. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$ 100.00 or imprisoned for not more than 10 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the CITY OF FORT GAINES from taking such other lawful actions as are necessary to prevent or remedy any violation.

**SECTION 12. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held or declared to be unconstitutional, invalid, or void, such holding or invalidity shall not affect the remaining portions of this ordinance, and the unconstitutional, invalid or void provisions shall be deemed to have been severed herefrom, and the remainder of this ordinance,

**APPENDIX 1: DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**"Area of special flood hazard"** in the absence of a Flood Insurance Study, Flood Hazard Boundary Map, or Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA), the areas of special flood hazard shall include, at minimum, the following: identified wetlands, low-lying areas along the shores of lakes and streams, areas subject to shallow flooding during intense storms, and areas known to have flooded historically. As portrayed on maps issued by FEMA, the "area of special flood hazard" is that anticipated to be inundated by the base flood.

**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** means any structure built for support, shelter, or enclosure for any occupancy or storage.

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

**"Flood" or "flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:  
(1) the overflow of inland or tidal waters;  
(2) the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the approximate boundaries of the areas of special flood hazard have been delineated and defined as Zone A.

after the exclusion of such part or parts, shall be deemed to be valid, as if such part of parts had not been included herein. If this Ordinance or any provisions hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances, or set of circumstances, such holdings shall not affect the application hereof to any other person, property, or circumstances.

**SECTION 13. DEFINITIONS.** The definitions contained in Appendix 1 are applicable to this ordinance and are incorporated herein.

This Flood Damage Prevention Ordinance, THE CITY OF FORT GAINES was adopted on SEPTEMBER 12, 1994, and becomes effective [\*immediately, or on \_\_\_\_\_\*].

BY: *Delbert James*

DR. DAVID WETHERBY, MAYOR

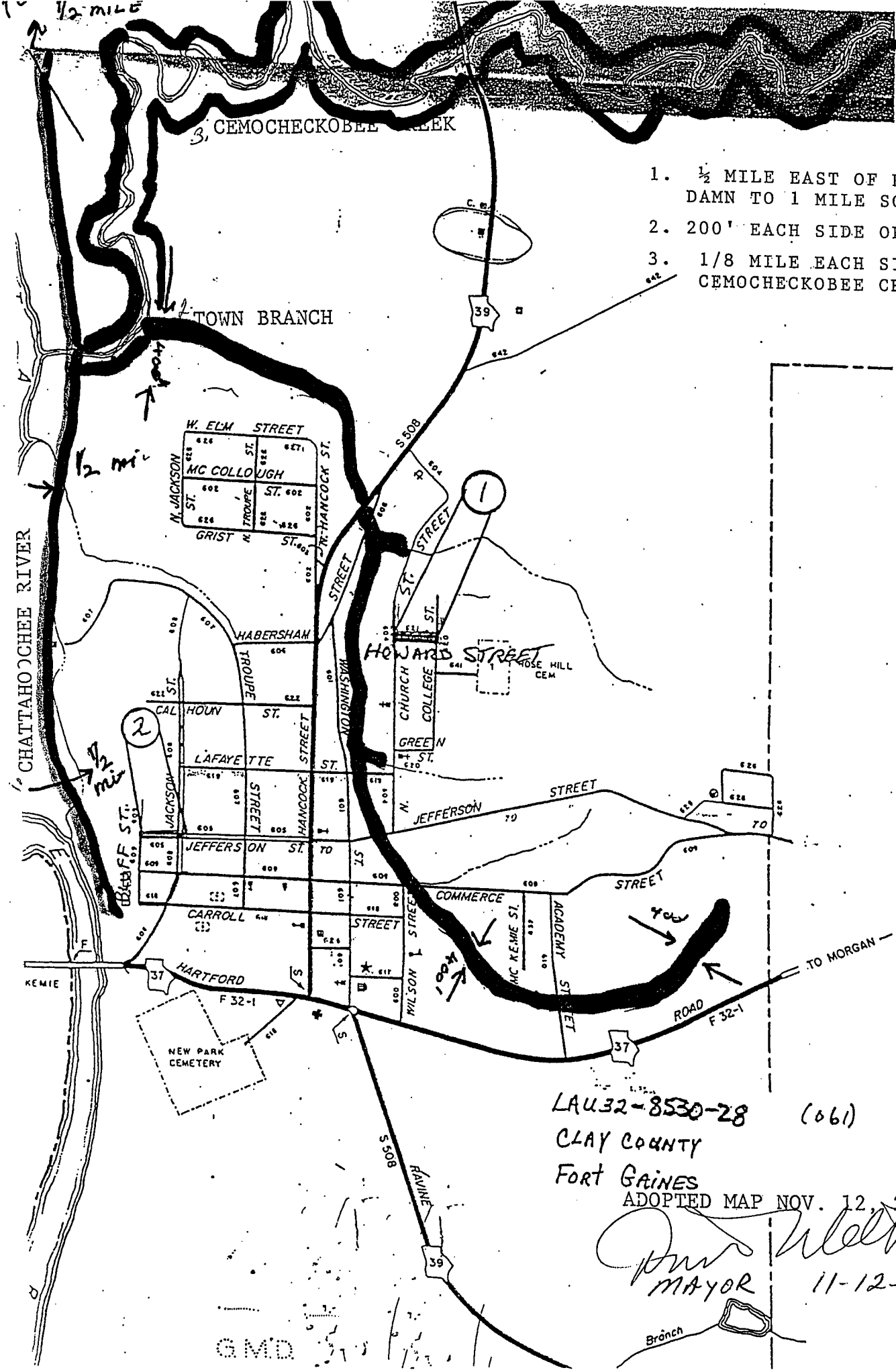
WILMA T. CRAPPS, MAYOR PROTEM

LARRY GLASS                      RANDY STOKES                      PAUL TILLMAN

JANE MCKISSACK                      EUGENE MALLARD

Certified by: *Delbert James* [\*Signatures of Governing Body\*]

Date: Sept 12, 1994



1. 1/2 MILE EAST OF RIVER FROM THE DAM TO 1 MILE SOUTH.
2. 200' EACH SIDE OF TOWN BRANCH
3. 1/8 MILE EACH SIDE OF CEMOHECKOBEE CREEK.

LAU32-8530-28 (061)

CLAY COUNTY

FORT GAINES

ADOPTED MAP NOV. 12, 2002

*Don Helbert*  
MAYOR 11-12-2002

G.M.D.

Branch