

"A Historic Past"



"A Bright Future"

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**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 22-0524-01**

**ORDINANCE TO AMEND REQUIREMENTS IN ALL SPECIAL FLOOD
HAZARD AREAS OF THE CITY OF DELAWARE CITY BY AMENDING
SECTIONS 48-19 (D) & (E) OF THE CITY OF DELAWARE CITY CODE**

WHEREAS, pursuant to Article V, Section 5-02(A) of the City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, §2-01 of the Charter, the Mayor and the City Council of the City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal the City of Delaware City Code ("Code"); and

WHEREAS, the Mayor and the City Council desire to amend Chapter 48 (Floodplain) of Article IV (Requirements in All Special Flood Hazard Areas) to remain consistent with its stated purpose in Section 48-1 to comply with the requirements of the National Flood Insurance Program ("NFIP");

WHEREAS, the NFIP criteria has been revised with respect to the location of electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment ("Systems & Equipment") in new construction of or substantial improvements to buildings or structures in a special flood hazard area;

WHEREAS, for the City's Code to remain consistent with the NFIP requirements, the City Code must be amended to remove the alternative option of placing Systems & Equipment below the base flood elevation plus 12 inches in a special flood hazard area;

NOW THEREFORE, making the express finding that the below changes

enhance and perpetuate the City of Delaware City's cultural, social, economic, religious, political or architectural history, and work to ensure the Code remains consistent with the NFIP requirements pursuant to its stated purpose, the Mayor and the City Council of the City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Section 48-19 of the Code is hereby amended by deleting the strikethrough language, and by adding the underlined language below, as follows:

Section 48-19 Buildings and Structures

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall meet the following requirements:

- A. Be designed (or modified) and constructed to safely resist flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation, including hydrodynamic and hydrostatic loads and the effects of buoyancy.
- B. Be constructed by methods and practices that minimize flood damage.
- C. Use flood damage-resistant materials below the elevation of the lowest floor. See FEMA Technical Bulletin #2 -Flood Damage-Resistant Materials Requirements' and FEMA Technical Bulletin #8 -Corrosion Protection for Metal Connectors in Coastal Areas and any and all updates thereto.

D. Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the base flood elevation plus 12 inches. ~~Electrical wiring systems are permitted to be located below the elevation of the lowest floor provided they conform to the provisions of the electrical part of this code for wet locations.~~ If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 -Elevator Installation and any and all updates thereto.

~~E. As an alternative to Section 48-19(D), electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood.~~

F. Meet the specific requirements of Article 5.

G. In a special flood hazard area with more than one designation (Zones A, AE, and AO, floodway), meet the requirements of the most restrictive designation.

Section 2. Severability. The provisions of this Ordinance shall be

severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the City Council's intent.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council.

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