

ORDINANCE NO. 712

AN ORDINANCE AMENDING CHAPTER 160 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH REGARDING FLOOD PLAIN REGULATIONS.

WHEREAS, an expanded definition of “development” would provide clarity on activities not considered development in the City’s flood plain regulations; and

WHEREAS, the definitions of “minor projects” and “routine maintenance of existing buildings and facilities” would provide further explanation of the types of projects and maintenance activities that can be exempted from a floodplain permit.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

1. Amendment. Chapter 160 of the Code of Ordinances, Flood Plain Regulations, is hereby amended as follows:
  - a. Section 160.02 is hereby amended by deleting subsection 160.02(3) in its entirety and replacing it with the following:

“Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.”
  - b. Section 160.02 is hereby amended by incorporating the following definition into said Section 160.02:

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES –

Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- i. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- ii. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- iii. Basement sealing;
- iv. Repairing or replacing damaged or broken window panes;

- v. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
  
- c. Conflicts. All ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.
  
- d. Adjudication. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section or provision thereof not adjudged invalid or unconstitutional.
  
- e. Effective Date. This ordinance shall be in full force in effect upon passage of this ordinance and publication as required by law.

First Reading: August 5, 2013  
Second Reading: August 19, 2013  
Third Reading: September 3, 2013



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Mark Worrell, Mayor

ATTEST:



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Matt Muckler, City Administrator/Clerk