

**Vernonia Ordinance NO. \_\_\_\_\_**

**An Ordinance adopting a procedure to address Substantial Damage Assessment of buildings effected by the flood of 2007 and Declaring an Emergency.**

**WHEREAS**, significant sections of the City of Vernonia sustained flood damage during the period December 1, 2007 thru December 17, 2007 which resulted in substantial damage to a significant number of residences and businesses; and

**WHEREAS**, THE Federal Emergency Management Administration, U.S. Department of Homeland Security (FEMA) was dispatched by a Federal Disaster Declaration by the President under FEMA-DR-1733-OR to assist with flood relief in several counties in the state; and,

**WHEREAS**, the City of Vernonia has the responsibility to administer the National Flood Insurance Program (NFIP) through the State of Oregon Department of Land Conservation and Development (LCDC) which receives a yearly operational grant from FEMA; and,

**WHEREAS**, Columbia County through the Community Action Team, Inc. and local volunteers established the “Columbia County Unmet Needs Committee” (UN) immediately following the flood to ascertain the level of assistance needed for persons who has suffered losses; and,

**WHEREAS**, it is now necessary to establish a process whereby persons suffering “substantial damage”, which is defined as follows: “damage on any origin sustained by a building when the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred,” can proceed with restoration, elevation, demolition or removal of a primary structure; and,

**WHEREAS**, the substantial damage estimate procedures have been studied extensively by members of the UN and a process has been devised this is legal and was successfully used in the 1996 flood; and,

**WHEREAS**, THE Army Corps of Engineers has been assigned the task of creating a “Corps of Engineers Flood Map” for the City which will clearly indicate the elevations of flood waters throughout the effected areas which will then allow the City to establish the elevations of foundations under building proposed to be raised flowing determination of substantial damage, and,

(Note; The new map is not be confused with the present FEMA Flood Insurance Rate Map (FIRM) for Columbia County, Oregon and Incorporated Areas last revised in 1988. A new FIRM map will be forthcoming from FEMA which will incorporate the new information included on the Corps of Engineers Flood Map which will be used by the City in the interim to establish elevations.)

**WHEREAS**, the Vernonia Charter, Chapter VIII, Section 31, Adoption by the Council (2) “Except as subsection (3) of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous vote of all council

members present, provided the ordinance is read first in full and then by title only if; (a) No council member present at the reading requests that the ordinance be read in full or, (b) At least one week before the reading: (i) A copy of the ordinance is provided for each council members, (ii) Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and (iii) Notice of the availability is given by written notice posted at the City Hall and two other public places in the City; and,

**WHEREAS**, the Vernonia Planning Commission has reviewed and commented on the regulations promulgated in this ordinance, and following a noticed public hearing duly held at which members of the general public were given an opportunity to comment, did recommend approval of this ordinance by the City Council; now therefore,

**THE CITY OF VERNONIA ORDAINS AS FOLLOWS,**

Section 1. Procedures to be followed related to a declaration of Substantial Damage to property.

- (A) The UN shall interview all persons suspected of suffering substantial damage to their homes or businesses. The UN shall provide all of the pertinent information needed by the property owner to complete whatever applications for whatever assistance is available, and
- (B) The property owner shall obtain an “assessment of damage” from an insurance adjuster or other source and, the City in conjunction with the UN, will evaluate this assessment in relation to the FEMA requirements for substantial damage, and
- (C) If substantial damage is determined to exist, the property owner shall have three choices: raise the structure, move the structure, or have the structure demolished, and
- (D) If the property owner decides to raise the structure the Case File from UN will be made a part of a completed Floodplain Development Permit Application Form for Vernonia which will be submitted to the City Building Official and will include an Elevation Certificate prepared by a Register Land Surveyor and a Foundation Construction Plan prepared and stamped by a Registered Engineer. To ensure that the REMA and NFIP requirements are met, these records will be retained in a Special Floodplain Development File at City Hall, and
- (E) If the property owner wished to demolish or move the structure, the appropriate permits will be obtained from the city prior to the commencement of any work.

Section 2. Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Section 3. Effective Date. Under the provisions of the City of Vernonia Charter of 1998 cited above and made a part of this ordinance, the Council finds it necessary for the peace, health and safety of the City and its citizens that this ordinance take effect immediately upon its passage and approval by the Mayor, and an emergency is therefore declared to exist due to the need to alleviate the suffering, inconvenience and hardships associated with the devastation of the flood of 2007.

Ord.# \_\_\_\_\_