

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 12 March 2007

SUBJECT: Text Amendment to the Flood Damage Prevention Ordinance

ATTACHMENT(S): Language of the Text Amendment

SUMMARY OF REQUEST:

This text amendment is suggested to clarify the appeal procedure under the Flood Damage Prevention Ordinance to make it internally consistent. Right now as it is written, the appeals go to the Flood Damage Prevention Ordinance Appeal Board who makes an order but in the following section it requires people to obey the appeal order from the Board of Commissioners. This text amendment changes the ordinance so both refer to the Flood Damage Prevention Ordinance Appeal Board and removes reference to the Board of Commissioners.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Adoption of the proposed clarifying amendment.

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the proposed Text Amendment to the Section 102-18 of the Henderson County Code.

**AMENDMENT OF THE
HENDERSON COUNTY FLOOD DAMAGE PREVENTION ORDINANCE
ADOPTED 12 MARCH 2007**

Upon motion duly made and seconded, the Henderson County Board of Commissioners adopted the following modification to section 102-18 of the Henderson County Code at a regularly scheduled meeting on March 12, 2007. The modifications are as follows:

MODIFICATION TO THE TEXT: Modifications shown with deleted language with ~~strikes~~ and addition language highlighted and underlined.

§ 102-18. Corrective procedures.

- A. When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to his or her property.
- B. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (1) That the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (2) That an informal hearing will be held before the Floodplain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) That following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- C. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, s/he may order that corrective action be taken in such lesser period as may be feasible.
- D. Any owner who has received an order to take corrective action may appeal the order to the Henderson County Flood Damage Prevention Ordinance Appeal Board by giving notice of appeal in writing to the Floodplain Administrator within 10 days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Henderson County Flood Damage Prevention Ordinance Appeal Board shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been made, or fails to comply with an order of the ~~Board of Commissioners~~ Henderson County Flood Damage Prevention Ordinance Appeal Board following an appeal, he shall be guilty of a misdemeanor and shall be punished at the discretion of a court of competent jurisdiction.

Adopted by a unanimous Board on 12 March 2007, and signed on ____ March 2007.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____

William Moyer, Chairman

Attest:

Secretary to the Board