

Ordinance 39A  
Disaster Recovery Ordinance



## **Disaster Recovery and Reconstruction**

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WHEREAS, Cerro Gordo County is vulnerable to various natural hazards such as flooding, wildfires, wind, and dangerous storms, resulting in disasters causing substantial loss of life and property; and

WHEREAS, Cerro Gordo County is authorized under state law to declare a state of local emergency and take actions necessary to ensure the public safety and wellbeing of its residents, visitors, business and community, and property during and after such disasters; and

WHEREAS, it is essential to the wellbeing of Cerro Gordo County to expedite recovery and reconstruction, mitigate hazardous conditions, and improve the community after such disasters; and

WHEREAS, disaster recovery and reconstruction can be facilitated by establishment of a recovery organization within Cerro Gordo County to plan, coordinate, and expedite recovery and long-term reconstruction activities; and

WHEREAS, a pre-event plan has been prepared for disaster recovery and reconstruction to help Cerro Gordo County organize to expedite recovery in advance of a disaster and to identify and mitigate hazardous conditions, both before and after such a disaster; and

WHEREAS, recovery can be expedited by pre-event adoption of an ordinance authorizing certain extraordinary governmental actions to be taken during the declared local emergency to expedite implementation of recovery and reconstruction measures identified in a pre-event plan; and

WHEREAS, it is mutually beneficial to cooperatively plan relationships needed between Cerro Gordo County and other state and federal governmental authorities; and

WHEREAS, it is informative and productive to consult with representatives of business, industry and citizen's organizations regarding the most suitable and helpful approaches to disaster recovery and reconstruction.

Now, therefore, the Cerro Gordo County Board of Supervisors does hereby ordain:

## **SECTION 1. AUTHORITY**

This ordinance is adopted by the Cerro Gordo County Board of Supervisors acting under authority of the Iowa Emergency Management and Homeland Security Department, and all applicable federal laws and regulations.

## **SECTION 2. PURPOSES**

It is the intent of the Cerro Gordo County Board of Supervisors under this chapter to:

- Authorize creation of an organization to plan and prepare in advance of a disaster for orderly and expeditious post-disaster recovery and to direct and coordinate recovery and reconstruction activities;
- Direct the preparation of a pre-event plan for post-disaster recovery and reconstruction to be updated on a continuing basis;

- Authorize in advance of a disaster the exercise of certain planning and regulatory powers related to disaster recovery and reconstruction to be implemented upon declaration of a local emergency; and
- Identify means by which Cerro Gordo County will take cooperative action with other governmental entities in expediting recovery; and implement means by which Cerro Gordo County will consult with, communicate to, and assist citizens, business, and community organizations during the planning and implementation of recovery and reconstruction procedures.

### **SECTION 3. DEFINITIONS**

As used in this ordinance, the following definitions shall apply:

- 3.1 **Damage Assessment Survey.** A field survey team to determine levels of damage for structures and identify the condition of the structures.
- 3.2 **Development Moratorium.** A temporary hold, for a defined period of time, on the issuance of building permits, approval of land-use applications or other permits and entitlements related to the use, development, redevelopment, repair, and occupancy of private property in the interests of protection of life and property.
- 3.3 **Director.** The director of the Cerro Gordo County Recovery Task Force or an authorized representative.
- 3.4 **Disaster Recovery Centers (DRCs).** A multi-agency center organized by FEMA and the State for coordinating assistance to disaster victims.
- 3.5 **Disaster Field Office (DFO).** A center established by FEMA for coordinating disaster response and recovery operations, staffed by representatives of federal, state, and local agencies as identified in the Federal Response Plan (FRP) and determined by disaster circumstances.
- 3.6 **Damage Survey Reports (DSR).** A claim by a local jurisdiction for financial reimbursement for repair or replacement of a public facility damaged in a disaster, as authorized under the Stafford Act and related federal regulation, plans, and policies.
- 3.7 **Emergency.** A local emergency, as defined by the County Code of Ordinances, which has been declared by the Cerro Gordo County Board of Supervisors for a specific disaster and has not been terminated.
- 3.8 **Event.** Any natural occurrence that results in the declaration of a state of emergency and shall include earthquakes, fires, floods, wind storms, technological emergencies, epidemic, explosion, hazmat release, etc.
- 3.9 **Federal Response Plan (FRP).** A plan to coordinate efforts of the government in providing response to natural disasters, technological emergencies, and other incidents requiring federal assistance under the Stafford Act in an expeditious manner.

- 3.10 Flood Insurance Rate Map (FIRM). An official electronic or paper map of the community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- 3.11 Hazard Mitigation Grant Program (HMGP). A federal program that assists states and local communities in implementing long-term hazard mitigation measures following a disaster declaration.
- 3.12 Historic Building or Structure. Any building or structure listed or eligible for listing on the National Register of Historic Places, as specified by federal regulation, the state register of historic places or points of interest, or a local register of historic places, and any buildings and structures having historic significance within a recognized historic district.
- 3.13 Individual Assistance Program. The Federal Individual Assistance Program provides financial help or direct services to those who have necessary expenses and serious needs if they are unable to meet these needs through other means.
- 3.14 In-kind. The same as the prior building or structure in size, height, shape, type of construction, number of units, general location, and appearance.
- 3.15 Disaster. Any natural catastrophic event (including any tornado, storm, high water, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, explosion, which in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant disaster assistance under the Stafford Act to supplement of the efforts and available resources of states, jurisdictions, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.
- 3.16 Interagency Hazard Mitigation Team. A team of representatives from FEMA, other federal agencies, state emergency management agencies, and related state and federal agencies, to identify, evaluate, and report on post-disaster mitigation needs.
- 3.17 Public Assistance Program. The Federal Public Assistance Program provides grants to state, local, and federally recognized tribal governments and certain private non-profit entities to assist them with the response to and recovery from disasters.
- 3.18 Reconstruction. The rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a disaster, addition of major community improvements, and full restoration of a healthy economy.
- 3.19 Recovery. The process by which most of private and public buildings and structures not severely damaged or destroyed in a disaster are repaired and most public and commercial services are restored to normal.
- 3.20 Recovery Organization. An interdepartmental organization that coordinates Cerro Gordo County staff actions in planning and implementing disaster recovery and reconstruction functions.

- 3.21 Recovery Plan. A pre-event plan for post-disaster recovery and reconstruction, composed of policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, with an emphasis on mitigation.
- 3.22 Recovery Strategy. A post-disaster strategic program identifying and prioritizing major actions contemplated or under way regarding such essential recovery functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.
- 3.23 Safety Element. An element of the comprehensive, long-term general plan for the physical development of a community that proactively addresses protection of the community from unreasonable risks associated with the effects of earthquakes, landslides, flooding, wild-land and urban fires, wind, and other natural and technological disasters.
- 3.24 Stafford Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

**SECTION 4. RECOVERY ORGANIZATION**

There is hereby created the recovery organization for the purpose of coordinating Cerro Gordo County actions in planning and implementing disaster recovery and reconstruction activities.

- 4.1 Powers and Duties. The recovery organization shall have powers to enable it to carry out the purposes, provisions, and procedures of this chapter, as identified in this chapter.
- 4.2 Recovery Task Force. The recovery organization shall include a recovery task force comprised of the following officers and members:
  - 4.2.1 The Chairperson of the Cerro Gordo County Board of Supervisors who shall be Chair;
  - 4.2.2 The Vice Chair of the Cerro Gordo County Board of Supervisors who shall be Director and Vice-Chair;
  - 4.2.3 The 3<sup>rd</sup> Supervisor of the Cerro Gordo County Board of Supervisors who act as Vice-Chair in absence of the Vice-Chair;
  - 4.2.4 The Cerro Gordo County Attorney who shall be Legal Advisor;
  - 4.2.5 Other members, including Mayor/Administrator of effected cities, County Emergency Management Coordinator, County Engineer, City Public Works Director, Planning & Zoning Administrator, County Sheriff, Conservation Director, and Public Health Director, together with representatives from such other departments and offices as may be deemed necessary by the Chair of Director for effective operation.



- 4.3 Operations and Meetings. The Director shall have responsibility for recovery organization operations. When an emergency declaration is not in force, the recovery task force shall meet annually or more frequently, upon call of the Chair or Director. After a declaration of an emergency and for the duration of that declared emergency period, the recovery task force shall meet daily or as frequent as determined by the Director. Meetings of the Recovery Task Force shall be considered an Open Meeting pursuant to Iowa Code Chapter 21.
- 4.4 Succession. In the absence of the Director, the Assistant Director shall serve as Acting Director and shall be empowered to carry out the duties and responsibilities of the Director. The Director shall name a succession of department managers to carry on the duties of the Director and Assistant Director, and to serve as Acting Director in the event of the unavailability of the Director and Deputy Director.
- 4.5 Organization. The Recovery Task Force may create such standing or ad hoc committees as determined necessary by the Director.
- 4.6 Relation to Emergency Management Organization. The recovery organization shall work in concert with the Emergency Management organization that has interrelated functions and similar memberships.

## **SECTION 5. RECOVERY PLAN**

The recovery task force shall use the County Comprehensive Emergency Management Plan ESF 14, Post-Disaster Recovery and Reconstruction, referred to as the Comprehensive Disaster Recovery Plan, which shall be comprised of pre-event and post-disaster policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, and will incorporate hazard mitigation in all elements of the plan.

- 5.1 Recovery Plan Content. The recovery plan shall address policies, implementation actions, and designated responsibilities for such subjects as business resumption, damage assessment, demolitions, debris removal and storage, expedited repair, permitting, fiscal reserves, hazards evaluation, hazard mitigation, historical buildings, illegal buildings and uses, moratorium procedures, nonconforming buildings and uses, rebuilding plans, redevelopment procedures, relation to emergency response plan and comprehensive multi-hazard plan, restoration of infrastructure, restoration of standard operating procedures, temporary and replacement housing, and such other subjects as may be appropriate to expeditious and wise recovery.
- 5.2 Coordination of Recovery Plan with County and Regional Plans, FEMA, and Other Agencies. The recovery plan shall identify relationships of planned recovery actions with those of adjacent communities and state, federal, or mutual aid agencies involved in disaster recovery and reconstruction, including but not limited to the Federal Emergency Management Agency (FEMA), the Salvation Army, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the Environmental Protection Administration (EPA), the Department of Transportation (DOT), Iowa Department of Homeland Security and Emergency Management (IDHSEM), and other entities that may provide assistance in

the event of a disaster. The Director shall distribute a draft copy of the plan to the Iowa Department of Homeland Security and Emergency Management for review in sufficient time for comment prior to action on the recovery plan by the Cerro Gordo County Board of Supervisors.

- 5.3 Recovery Plan Adoption. As per Iowa Code 29C, the Emergency Management Coordinator shall develop the county recovery plan and submit for approval to the Cerro Gordo County Emergency Management Commission. As required by Code 29C, the plan shall be periodically reviewed and revised and shall be mandatorily reviewed after a presidentially declared disaster.
- 5.4 Recovery Plan Implementation. The Director and recovery task force shall be responsible for implementation of the plan both before and after a disaster, as applicable. Before a declaration of emergency, the Emergency Management Coordinator shall every 3 years, as a minimum, review and revise, as needed, the recovery plan and submit to the Cerro Gordo County Board of Supervisors on the progress of preparation or implementation of the recovery plan. After a declaration of emergency in a disaster, the Director shall report to the Cerro Gordo County Board of Supervisors as often as necessary on implementation actions taken in the post-disaster setting, identify policy and procedural issues, and receive direction and authorization to proceed with plan modifications necessitated by specific circumstances.
- 5.5 Recovery Plan Training and Exercising. The Emergency Management Coordinator shall organize and conduct EOC exercises annually, or more often as necessary, in order to develop, convey, and update the contents of the recovery plan. Such training and exercises will be conducted in coordination with similar training and exercises related to the emergency operations plan.
- 5.6 Recovery Plan Consultation with Citizens. The Emergency Management Agency shall schedule and conduct community meetings, periodically convene advisory committees comprised of representatives of homeowner, business, and community organizations, or implement such other means as to provide information and receive input from members of the public regarding preparation, adoption, or amendment of the recovery plan.
- 5.7 Recovery Plan Amendments. During implementation of the recovery plan, the Emergency Management Coordinator shall address key issues, strategies and information bearing on the orderly maintenance and periodic revision of the plan. In preparing modifications to the plan, the Emergency Management Coordinator shall consult with county departments, business, and community organizations, and other government entities to obtain information pertinent to possible recovery plan amendments.
- 5.8 Recovery Plan Coordination with Related Plans. The recovery plan shall be prepared in coordination with related elements of the multi-hazard comprehensive county plan, or such other plans as may be pertinent.

## **SECTION 6. GENERAL PROVISIONS**

The following general provisions shall be applicable to implementation of this chapter following a disaster.

- 6.1 Powers and Procedures. Following a declaration of local emergency in a disaster and while such declaration is in force, the Director and the recovery task force shall have authority to exercise powers and procedures authorized by this chapter, subject to extension, modification, or replacement of all or portions of these provisions by separate ordinances adopted by Cerro Gordo County Board of Supervisors.
- 6.2 Post Disaster Operations. The Director shall direct and control post-disaster recovery and reconstruction operations, including but not limited to the following;
  - 6.2.1 Through the county EOC, they will activate and deploy damage assessment teams to identify damaged structures and to determine further actions that should be taken regarding such structures;
  - 6.2.2 Activate and deploy hazard evaluation teams to locate and determine the severity of natural or technological hazards that may influence the location, timing, and procedures for repair and rebuilding processes;
  - 6.2.3 Maintain liaison with the Cerro Gordo County Emergency Operation Center and other public and private entities, such as FEMA, Salvation Army, and Iowa Department of Homeland Security and Emergency Management in providing necessary information on damaged and destroyed buildings or infrastructure, natural and technological hazards, street and utility restoration priorities, temporary housing needs and similar recovery concerns;
  - 6.2.4 Establish “one-stop” field offices located in or near impacted areas where appropriate, staffed by trained personnel from appropriate departments, to provide information about repair and rebuilding procedures, issue repair and reconstruction permits, and provide information and support services on such matters as business resumption, industrial recovery, and temporary and permanent housing;
  - 6.2.5 Activate streamlined procedures to expedite repair and rebuilding of properties damaged or destroyed in the disaster;
  - 6.2.6 Establish moratorium subject to Cerro Gordo County Board of Supervisors ratification, as provided under 7.3;
  - 6.2.7 Recommend to the Cerro Gordo County Board of Supervisors and other appropriate entities necessary actions for reconstruction of damaged infrastructure;
  - 6.2.8 Prepare plans and proposals for action by the Cerro Gordo County Board of Supervisors for redevelopment projects, redesign of previously established projects or other appropriate special measures addressing reconstruction of

heavily damaged areas, with the goal of increasing community capacity, improving sustainability, and reducing vulnerability to future events;

- 6.2.9 Formulate proposals for action by the Cerro Gordo County Board of Supervisors to amend the emergency operations plan and other relevant plans, programs, and regulations in response to new needs generated by the disaster;
  - 6.2.10 Such other recovery and reconstruction activities identified in the recovery plan or by this chapter, or as deemed by the Director as necessary to public health, safety, and well-being.
- 6.3 Coordination with FEMA and Other Agencies. The Director and the Cerro Gordo County Recovery Task Force shall coordinate recovery and reconstruction actions with those of state, federal, or mutual aid agencies involved in disaster response and recovery, including but not limited to FEMA, Salvation Army, the Department of Housing and Urban Development, the Small Business Administration, the Iowa Department of Homeland Security and Emergency Management, and other entities that provide assistance in the event of a disaster. Intergovernmental coordination tasks including but not limited to the following:
- 6.3.1 Assign trained personnel to provide information and logistical support to the FEMA Disaster Field Office;
  - 6.3.2 Supply personnel to provide information support for FEMA Disaster Recovery Centers (DRC's);
  - 6.3.3 Participate in and provide previously obtained data for damage assessment surveys conducted in cooperation with FEMA and other entities;
  - 6.3.4 Participate in the development of hazard mitigation strategies with the Interagency Hazard Mitigation Team (when activated) with the State, FEMA, and other entities;
  - 6.3.5 Cooperate in the joint establishment with other agencies of one-stop service centers for issuance of repair and reconstruction permits, business resumption support, counseling regarding temporary and permanent housing, and other information regarding support services available from various governmental and private entities;
  - 6.3.6 Coordinate with city government the preparation and submission of supporting documentation for Damage Survey Reports (DSRs) to the State and FEMA;
  - 6.3.7 Determine whether damaged structures and units are within floodplains identified on Flood Insurance Rate Maps (FIRMs) and whether substantial damage has occurred;
  - 6.3.8 Implement such other coordination tasks as may be required under the specific circumstances of the disaster.

- 6.4 Consultation with Citizens. The Director and the Cerro Gordo County Recovery Task Force shall schedule and conduct community meetings, convene ad hoc advisory committees comprised of representatives of business and community organizations, or implement such other means as to provide information and receive input from members of the public regarding measures undertaken under the authority of this chapter.

## **SECTION 7. TEMPORARY REGULATIONS**

The Director shall have the authority to administer the provisions of this section, temporarily modifying provisions of the Cerro Gordo County Code of Ordinances dealing with zoning certificates, restrictions on the use, development or occupancy of private property provided that such action, in the opinion of the Director, is reasonably justifiable for protection of life and property, mitigation of hazardous conditions, avoidance or undue displacement of households or businesses, or prompt restoration of public infrastructure. Individual communities will be responsible for the temporary modification of their ordinances dealing with building and occupancy permits, demolition permits, and restrictions on the use, development or occupancy of private property.

- 7.1 Duration. The provisions of this section shall be in effect for a period of months from the date of local emergency declaration following a disaster or until determination of a state of local emergency, whichever occurs later, or until the provisions are extended, modified, replaced by new provisions, or terminated, in whole or in part, by action of the Cerro Gordo County Board of Supervisors through separate ordinances.
- 7.2 Damage Assessment. The Director of the recovery team or an authorized representative shall direct damage assessment teams having authority to conduct field surveys of damaged structures and post placards designating the condition of such structures as follows:
- 7.2.1 A placard indicating “Inspected – Lawful Occupancy Permitted” is to be posted on any building in which no apparent structural hazard has been found. This does not mean there are no other forms of damage that may temporarily affect occupancy. This is referred to as the “green tag” placard.
- 7.2.2 A placard indicating “Restricted Use” is to be posted on any building in which damage has resulted in some form of restriction to continued occupancy. The individual posting this placard shall note in general terms the type of damage encountered and shall clearly and concisely note the restrictions on continued occupancy. This is referred to as the “yellow tag” placard.
- 7.2.3 A placard indicating “Unsafe – Do Not Enter or Occupy” is to be posted on any building that has been damaged to the extent that continued occupancy poses a threat to life safety. Buildings posted with this placard shall not be entered under any circumstances except as authorized in writing by the department that posted the building or by authorized members of damage assessment teams. The individual posting this placard shall note in general terms the type of damage encountered. This placard is not to be considered a demolition offer. This is referred to as the “red tag.”

- 7.2.4 This chapter and section number, the name of the department, its address, and phone number shall be permanently affixed to each placard.
  - 7.2.5 Once a placard has been attached to a building, it shall not be removed, altered, or covered until done so by an authorized representative of Cerro Gordo County or upon written notification from Cerro Gordo County. Failure to comply with this prohibition will be considered a misdemeanor and punishable by a \$100.00 fine. Each day a property is in non-compliance with this prohibition shall be deemed a separate offense.
- 7.3 Development Moratorium. The Director shall have the authority to establish a moratorium on the issuance of building permits, approval of land-use applications or other permits and entitlements related to the use, development, and occupancy of private property authorized under other chapters and sections of the Zoning Ordinances, Health Ordinances, including but not limited to on-site Waste Water Treatment Ordinances, Health Nuisance Ordinances, and Well Ordinances and other related ordinances, provided that, on the opinion of the Director, such action is reasonably justifiable for protection of life and property and subject to the following:
- 7.3.1 Posting. Notice of the moratorium shall be posted in a public place and shall clearly identify the boundaries of the area in which a moratorium is in effect as well as the exact nature of the development permits or entitlements that are temporarily held in abeyance.
  - 7.3.2 Duration. The moratorium shall be in effect subject to review by the Cerro Gordo County Board of Supervisors at the earliest possible time, but no later than ninety (90) days, at which time the Cerro Gordo County Board of Supervisors shall take action to extend, modify, or terminate such moratorium by separate ordinance.
- 7.4 Debris Clearance. The Director shall have the authority to remove from public right-of-way debris and rubble, trees, damaged or destroyed vehicles, trailers, equipment, and other private property, without notice to owners, provided that in the opinion of the Director such action is reasonably justifiable for protection of life and property, provision of emergency evacuation, assurance of fire-fighting or ambulance access, mitigation of otherwise hazardous conditions, or restoration of public infrastructure. The Director shall also have the authority to secure emergency waivers of environmental regulations from state and federal authorities and to call upon outside support from such agencies for debris clearance, hazardous material spills, and restoration of ground access.
- 7.5 One-Stop Center for Permit Expediting. The Director shall establish a one-stop center, staffed by representatives of pertinent county departments, for the purpose of establishing and implementing streamlined permit processing to expedite repair and reconstruction of buildings, and to provide information support for provision of temporary housing and encouragement of business resumption and industrial recovery. The Director shall establish such center and procedures in coordination with other governmental entities that may provide services and support, such as

FEMA, SBA, HUD, or the Iowa Department of Homeland Security and Emergency Management.

- 7.6 Temporary Use Permits. The Director shall have the authority to issue permits in any residential, commercial, industrial, or other zone for the temporary use of property that will aid in the immediate restoration of an area adversely impacted by a disaster, subject to the following provisions:
  - 7.6.1 Critical Response Facilities. Any police, fire, emergency medical, or emergency communications facility that will aid in the immediate restoration of the area may be permitted in any zone for the duration of the declared emergency;
  - 7.6.2 Other Temporary Uses. Temporary use permits may be issued in any zone, with conditions, as necessary, provided written findings are made establishing a factual basis that the proposed temporary use:
    - 7.6.2.1 Will not be detrimental to the immediate neighborhood;
    - 7.6.2.2 Will not be unreasonably contrary to the comprehensive plan and;
    - 7.6.2.3 Will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted by the disaster.
- 7.7 Temporary Repair Permits. Following a disaster, temporary emergency repairs to secure structures and property damaged in the disaster against further damage or to protect adjoining structures or property may be made without fee or permit where such repairs are not already exempt under other Cerro Gordo County Ordinances. The building official must be notified of such repairs within 10 working days, and regular permits with fees may then be required.
- 7.8 Deferral of Fees for Reconstruction Permits. Except for temporary repairs issued under provisions of this ordinance, all other repairs, restoration, and reconstruction of buildings damaged or destroyed in the disaster shall be approved through permit under the provisions of other ordinances. Fees for such repair and reconstruction permits may be deferred at the authorization of the Director.
- 7.9 Nonconforming Buildings and Uses. Buildings damaged or destroyed in the disaster that are legally nonconforming to use, yards, height, number of stories, lot area, floor area, residential density, parking, or other provisions of the Cerro Gordo County Code of Ordinances may be repaired and reconstructed in-kind, provided that:
  - 7.9.1 The building is damaged in such a manner that the structural strength or stability of the building is appreciably lessened by the disaster and is less than the minimum requirements of the County Zoning Ordinance for a new building;
  - 7.9.2 The cost of repair is greater than 50 percent of the replacement cost of the building;
  - 7.9.3 All natural hazard mitigation requirements are met;

- 7.9.4 Reestablishment of the use or building is in conformance with the National Flood Insurance Program (NFIP) requirements and procedures;
- 7.9.5 The building is reconstructed to the same configuration, floor area, height, and occupancy as the original building or structure, except where this conflicts with National Flood Insurance Program (NFIP) provisions;
- 7.9.6 No portion of the building or structure encroaches into an area planned for widening or extension of existing or future streets as determined by the comprehensive general plan or applicable specific plan; and
- 7.9.7 Repair or reconstruction shall commence within 120 days of permit issuance and be completed in one year from the date the permit was issued.

Nothing herein shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth under other sections of the County Zoning Ordinance that were applicable to the site prior to the disaster.

## **SECTION 8. DEMOLITION OF HISTORIC HOMES**

The Director shall have the authority to order the condemnation and demolition of buildings and structures damaged in the disaster under the standard provisions of the Health Nuisance Ordinance, except as noted otherwise below:

- 8.1 **Condemnation and Demolition.** Within 30 days after the disaster, the building official shall notify the State Historic Preservation Office that one of the following actions will be taken with respect to any building or structure determined by the building official to represent an imminent hazard to public health and safety or to pose an imminent threat to the public right-of-way:
  - 8.1.1 Where possible, within reasonable time limits as determined by the building official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right-of-way;
  - 8.1.2 Whenever bracing or shoring is determined not to be reasonable, the building official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by the County Ordinances. Prior to commencing demolition, the building official shall photographically record the entire building or structure.
- 8.2 **Notice of Condemnation.** If, after the specified time frame noted in Subsection 8.1 of this chapter and less than 30 days after the disaster, a historic building or structure is determined by the building official to represent a hazard to the health and safety of the public or to pose a threat to the public right-of-way, the building official shall duly notify the building owner of the intent to proceed with a condemnation hearing within 30 business days of the notice in accordance with County Ordinances; the



building official shall also notify FEMA, in accordance with National Historic Preservation Act of 1966, as amended, of the intent to hold a condemnation hearing.

- 8.3 Request to FEMA for Approval to Demolish. Within 30 days after the disaster, for any historic building or structure which the building official and the owner have agreed to demolish, the building official shall submit to FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, a request for approval to demolish. Such request shall include all substantiating data.
- 8.4 Historic Building Demolition Review. If, after 30 days from the event, the building official and the owner of a historic building or structure agree that the building or structure shall be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended.

## **SECTION 9. TEMPORARY AND PERMANENT HOUSING**

The Director shall assign staff to work with FEMA, SBA, HUD, Iowa Department of Homeland Security and Emergency Management, and other appropriate governmental and private entities to identify special programs by which provisions can be made for temporary or permanent replacement housing that will help avoid undue displacement of people and businesses. Such programs may include deployment of manufactured housing and manufactured housing developments, under the temporary use permit procedures provided in Section 7 of the chapter, use of SBA loans, and available Section 8 Community Development Block Grant funds to offset repair and replacement housing costs, and other initiatives appropriate to the conditions found after a disaster.

## **SECTION 10. HAZARD MITIGATION PROGRAM**

Prior to a disaster, a comprehensive hazard mitigation program will be established that includes both long-term and short-term components.

- 10.1 Safety Element. The long-term component shall be prepared and adopted by resolution of the Cerro Gordo County Board of Supervisors as the safety or natural hazards element of the comprehensive plan for the purpose of enhancing long-term safety against future disasters. The safety element shall identify and map the presence, location, extent, and severity of natural hazards, such as:
  - 10.1.1 Severe flooding;
  - 10.1.2 Wild land and urban fires;
  - 10.1.3 Slope instability, mudslides, landslides, and subsidence;
  - 10.1.4 High winds;
  - 10.1.5 Tornadoes;
  - 10.1.6 Technological hazards, such as oil spills, natural gas leakage and fires, hazardous and toxic materials contamination, and nuclear power plant and radiological accidents.

The safety element shall determine and assess the community's vulnerability to such known hazards and shall propose measures to be taken both before and after a disaster to mitigate such hazards.

- 10.2 Short-term Action Program. A short-term hazard mitigation program shall be included in the Cerro Gordo County Recovery Plan. It shall be comprised of hazard mitigation program elements of highest priority for action, including preparation and adoption of separate ordinances dealing with specific hazard mitigation and abatement measures, as necessary. Such ordinances may require special site planning, land use, and development restrictions or structural measures in areas affected by flooding, urban/wild land fire, wind, or other natural hazards, or remediation of known technological hazards, such as toxic contamination.
- 10.3 Post-Disaster Actions. Following a disaster, the Director shall participate in developing a mitigation strategy as part of the Interagency Hazard Mitigation Team with FEMA and other entities, as called for Section 409 of the Stafford Act and related federal regulations. As appropriate, the Director may recommend to the Cerro Gordo County Board of Supervisors that Cerro Gordo County participate in the State's Hazard Mitigation Grant Program, authorized in Section 409 of the Stafford Act, in order to partially offset costs of recommended hazard mitigation measures.
- 10.4 New Information. As new information is obtained regarding the presence, location, extent, and severity of natural or technological hazards, or regarding new mitigation techniques, such information shall be made available to the public, and shall be incorporated as soon as practicably possible within the comprehensive plan safety element and the County Recovery Plan through amendment.

## **SECTION 11. RECOVERY AND RECONSTRUCTION STRATEGY**

At the earliest practicable time following the declaration of local emergency in a disaster, the Director and the Cerro Gordo County Recovery Task Force shall prepare a strategic program for recovery and reconstruction based on the pre-disaster plan and its policies.

- 11.1 Functions. To be known as the recovery strategy, the proposed strategic program shall identify and prioritize major actions contemplated or under way regarding such essential functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.
- 11.2 Review. The recovery strategy shall be forwarded to the Cerro Gordo County Board of Supervisors for review and approval following consultation with other governmental agencies and business and citizen representatives. The recovery strategy shall provide detailed information regarding proposed and ongoing implementation of initiatives necessary to the expeditious fulfillment of critical priorities and will identify amendment of any other plans, codes, or ordinances that might otherwise contradict or block strategic action. The Director shall periodically report to the Cerro Gordo County Board of Supervisors regarding progress towards implementation of the recovery strategy, together with any adjustments that may be called for by changing circumstances and conditions.

**SECTION 12. SEVERABILITY**

If any provision of this chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions that can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

**SECTION 13. ADOPTION**

Motion by Supervisor Watts and seconded by Supervisor Latham to approve the final consideration of Cerro Gordo County Home Rule Ordinance No. 39A, entitled “Cerro Gordo County Disaster Recovery Ordinance.” First consideration was held May 30, 2017. The second and third consideration were waived May 30, 2017. The final consideration was approved on May 30, 2017.

This Ordinance hereby repeals, supersedes, and replaces Ordinance No. 39, Disaster Recovery Ordinance, adopted by the Cerro Gordo County Board of Supervisors on March 12, 2002.

Vote taken as follows:

- AYES – Watts, Latham, Callanan
- NAYS - None
- ABSENT – None

This ordinance shall be effective on after its final consideration and publication as provided by law.

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Casey M. Callanan, Chairman  
Board of Supervisors

ATTEST:

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Becky Kirchgatter  
Deputy Auditor