

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

2025-O-009

**A REVISION TO THE "FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE
PREVENTION" ORDINANCE OF CHEROKEE COUNTY, GEORGIA.**

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 30-57(e)(2) OF THE FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION ORDINANCE OF CHEROKEE COUNTY, GEORGIA TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) COMMUNITY RATING SYSTEM (CRS) PROGRAM; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the Federal Emergency Management Agency (hereinafter "FEMA") recommends that municipalities participate in the Community Rating System (CRS). CRS is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP); and

WHEREAS, within CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts. These efforts reduce and avoid flood damage to insurable property, strengthen and support the insurance aspects of the National Flood Insurance Program, and foster comprehensive floodplain management; and

WHEREAS, a recent periodic review of the current floodplain ordinance by CRS revealed that minor changes to the ordinance were necessary; and

WHEREAS, since the updates are minimal to the aforementioned section, a repeal and replacement of section 30-57(e)(2) will be utilized to effectuate such updates; and

WHEREAS, these regulations will benefit the safety and welfare of the citizens of Cherokee County and ensure compliance with FEMA's CRS program.

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1.

Section **30-57(e)(2)** of the Cherokee County Floodplain Management and Flood Damage Prevention Ordinance shall be amended as follows:

(2) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that the higher of either (i) or (ii)

(i) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or

(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

Section 2.

It is hereby ordained that the provisions of these Ordinances shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of these ordinances may be revised to accomplish such intention.

Section 4.

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of these Ordinances are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of these Ordinances. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of these Ordinances are mutually dependent upon any other section, paragraph,

sentence, clause or phrase of these Ordinances.

(c) In the event that any phrase, clause, sentence, paragraph or section of these Ordinances shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinances shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5.

All Ordinances or parts of Ordinances in conflict with these Ordinances are, to the extent of such conflict, hereby repealed or set aside.

Section 6.

These Ordinances shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this 15th day of July 2025.

By: _____
Harry Johnston, Chairman

Attest: _____
CHRISTY BLACK, County Clerk

(SEAL)