

ORDINANCE NO. 79-3

AN ORDINANCE REGULATING AND RESTRICTING USE AND MAN-MADE CHANGES IN FLOOD PRONE AREAS OF ELMORE COUNTY AS DESIGNATED BY H-U-D ON FLOOD HAZARD BOUNDARY MAPS; PROVIDING A TITLE; ESTABLISHING AUTHORITY; PROVIDING A PURPOSE; PROVIDING FOR PERMITS; PROVIDING FOR A "RESPONSIBLE PERSON" OR AGENCY; PROVIDING FOR REVIEW OF ALL PERMIT APPLICATION AND SUBDIVISION PROPOSALS IN FLOOD PRONE AREAS; PROVIDING FOR SPECIAL WATER SUPPLY SAFETY SYSTEMS AND DESIGN OF SEWAGE SYSTEMS; PROVIDING FOR SPECIAL TIE-DOWN REQUIREMENTS FOR MOBILE HOMES; PROVIDING FOR ADOPTION OF FLOOD HAZARD BOUNDARY MAPS; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPEALS PROCESS; PROVIDING FOR ENFORCEMENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

ARTICLE I. TITLE

These regulations shall be known and cited as the Elmore County Flood Hazard Regulations, hereafter referred to as the Flood Hazard Ordinance.

ARTICLE II. AUTHORITY

These regulations are authorized by Title 67, Chapter 65 of the IDAHO CODE and requirements of 1910.3(b) of the Federal Insurance Administration Regulations.

ARTICLE III. PURPOSE

The purpose of these regulations is to promote the public health, safety, and general welfare and to provide for regulating developments in flood prone areas so that owners or builders of property within these areas can obtain flood insurance under the National Flood Insurance Program.

Now, therefore, the following measures shall be required within Zone A of the Flood Hazard Boundary Map issued by the Federal Insurance Administration for Elmore County, Idaho.

ARTICLE IV. REGULATIONS

SECTION 1. PERMIT REQUIREMENTS

No person shall erect, construct, enlarge, alter, repair or improve any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling

operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No mobile home shall be placed on improved or unimproved real estate on a permanent foundation without first obtaining a separate permit for each mobile home from the designated responsible person.

SECTION 2. APPLICATION

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person before the issuance of a permit will be considered.

SECTION 3. REVIEW OF APPLICATIONS

The Office, Planning and Zoning Commission, hereinafter referred to as the responsible person, is appointed as the "person" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document.

SECTION 4.

The responsible person shall review proposed development to assure that all necessary permits have been received from these governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION 5.

The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall: (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize flood damage;

SECTION 6.

The responsible person shall review subdivision proposals and other proposed new developments to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards; (see also ARTICLE VI. SECTION H of Elmore County Subdivision Ordinance)

SECTION 7.

The responsible person shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

SECTION 8.

The responsible person shall require within flood prone areas (i) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

SECTION 9.

The responsible person shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

SECTION 10.

The responsible person shall obtain, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.

SECTION 11.

For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the responsible person shall (i) obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information.

SECTION 12.

The responsible person shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration.

SECTION 13.

The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SECTION 14.

The responsible person shall require that all mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored.

SECTION 15.

The Flood Hazard Boundary Map issued by the Federal Insurance Administration for Elmore County, dated July 4, 1978, with Panel Numbers one (1) thru 34, and any officially published revisions to this map, is adopted as the official map for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced.

SECTION 16. DEFINITIONS.

Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

"Base Flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood").

"Flood proofing" means any combination of structural and non-structural additions changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

"Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.

"Structure" means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground as well as a mobile home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation.

ARTICLE V. APPEALS

Any person or firm affected by the final decision of the "responsible person" may appeal his decision to the Planning and Zoning Commission. Appeal must be filed in writing with the Commission within thirty (30) days of any decision. The Planning and Zoning Commission will hear all elements of the appeal and shall make their decision to uphold or alter the decision of the "responsible person." If the decision is to uphold, then the aggrieved person may file a written appeal to the Board of County Commissioners within thirty (30) days, stating the reasons and the grounds for the appeal. The County Commissioners, after hearing all sides, may uphold or alter the decision of the "responsible person." Their decision shall be in writing with the reasons listed. A copy shall be filed with the Planning and Zoning Commission and the "responsible person."

ARTICLE VI. ENFORCEMENT

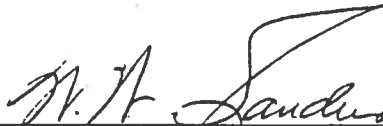
The "responsible person" is the one designated to enforce the regulations of this ordinance. If violations occur, the responsible person may "red-tag" the development and stop construction until the violation is corrected or proper permits obtained.

The one in violation shall be notified immediately and agreements obtained to correct said violation. Refusal to correct or comply will result in the cancellation of any permit issued. Continued violation of the provisions of this ordinance, or failure to comply with its requirements, shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.

ARTICLE VII. EFFECTIVE DATE

This ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and adopted by the Board of County Commissioners of Elmore County, Idaho, on this 10 day of December, 1979.



Chairman, Elmore County
Board of Commissioners

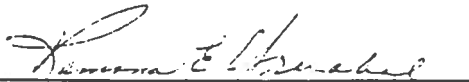


Commissioner



Commissioner

ATTEST:



Clerk of Board of County
Commissioners