

FLOOD DAMAGE PREVENTION
ORDINANCE NO. 225

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO REPLACING ORDINANCE NO. 180-1 CONSTRUCTION IN CERTAIN FLOOD PRONE AREAS WITHIN ITS CORPORATE LIMITS KNOWN AS FLOOD DAMAGE PREVENTION ORDINANCE; PROVIDING STATUTORY AUTHORIZATION; PROVIDING FINDINGS OF FACT; PROVIDING STATEMENT OF PURPOSE; PROVIDING METHODS OF REDUCING FLOOD LOSSES; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS; PROVIDING LANDS TO WHICH THIS ORDINANCE APPLIES; PROVIDING BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD; PROVIDING PENALIES AND REMEDIES FOR NONCOMPLIANCE; PROVIDING ABROGATION AND GREATER RESTRICTIONS; PROVIDING INTERPRETATION; PROVIDING WARNING AND DISCLAIMER OF LIABILITY; PROVIDING ADMINISTRATION; PROVIDING FOR ESTABLISHMENT OF A DEVELOPMENT PERMIT; PROVIDING FOR APPLICATION OF THE PERMIT; PROVIDING DESIGNATION OF THE LOCAL ADMINISTRATOR; PROVIDING DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR; PROVIDING PERMIT REVIEW; PROVIDING USE OF THE BASE FLOOD DATA; PROVIDING INFORMATION TO BE OBTAINED AND MAINTAINED; PROVIDING ALTERATION OF WATERCOURSES; PROVIDING A VARIANCE PROCEDURE; PROVIDING APPEAL BOARD; PROVIDING CONDITIONS FOR VARIANCES; PROVIDING PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING GENERAL STANDARDS; PROVIDING ANCHORING; PROVIDING FOR CONSTRUCTION MATERIALS AND METHODS; PROVIDING UTILITIES; PROVIDING SUBDIVISION PROPOSALS; PROVIDING REVIEW OF BUILDING PERMITS; PROVIDING SPECIFIC STANDARDS; PROVIDING FOR RESIDENTIAL CONSTRUCTION; PROVIDING FOR NON RESIDENTIAL CONSTRUCTION; PROVIDING FOR MANUFACTURED HOMES; PROVIDING FOR RECREATIONAL VEHICLES; PROVIDING FOR ACCESSORY STRUCTURES; PROVIDING FOR FLOODWAYS; PROVIDING FOR ENCROACHMENTS; PROVIDING STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES); PROVIDING FOR CRITICAL FACILITIES; PROVIDING REPEALING OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE AND APPLICATION.

WHEREAS IT HAS BECOME NECESSARY TO REWRITE THE FLOOD DAMAGE PREVENTION ORDINANCE TO BRING IT INTO FULL COMPLIANCE WITH THE CHANGED FEDERAL EMERGENCY MANAGEMENT ASSOCIATION (FEMA) REGULATIONS AND FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CLARK FORK THE FOLLOWING FLOOD DAMAGE PREVENTION ORDINANCE IS SUBMITTED:

SECTION 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSES
AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Idaho has in Title 50, Chapter 3, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Clark Fork, Idaho does ordain as follows:

1.2 FINDINGS OF FACT

- (1) The flood hazard areas of Clark Fork are subject to periodic inundation which could result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development

- of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

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

"ACCESSORY STRUCTURE" means nonresidential structures such as garages, sheds, garden buildings, pole buildings, grain bins, and barns which are considered normal for farming or ranching activities.

"APPEAL" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

"AREA OF SHALLOW FLOODING" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood

depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"AREA OF SPECIAL FLOOD HAZARD" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

"BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

"BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.

"BREAKAWAY WALL" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and facilities which produce, use or store hazardous materials or hazardous waste.

"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment and materials located within the area of special flood hazard.

"ELEVATED BUILDING" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

"FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).

"MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"RECREATIONAL VEHICLE" means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction

or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) 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 or 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 from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Clark Fork, Idaho.

3.2 BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD

The areas of special flood hazard indentified by the Federal Insurance Administration in the most current scientific and engineering report entitled "The Flood Insurance Study for the City of Clark Fork, Idaho" as amended with accompanying Flood Insurance Maps, are hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at City Hall 110 East Third, Clark Fork, Idaho.

3.3 PENALTIES AND REMEDIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$300.00 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Clark Fork from taking such other lawful action as is necessary to prevent or remedy any violation. In the event the City prevails, the violator shall be responsible for all costs including a reasonable sum for attorney's fees.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit or repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does

not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Clark Fork, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.1.1 Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."

4.1-2 Application for Development Permit

Application for a development permit in any special flood hazard area shall be made on forms furnished by the City of Clark Fork and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed,
- (3) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The MAYOR is hereby appointed to administer and implement this ordinance by granting or

denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the MAYOR shall include, but not be limited to:

4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD, the MAYOR shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, AND 5.3 FLOODWAYS.

4.3-3 Information to be Obtained and Maintained

- (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3-2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved nonresidential floodproofed structures:
 - (i) Verify and record the actual elevation (in relation to mean sea level). and
 - (ii) Maintain the floodproofing certifications required in Section 4.1-2-3.
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 Alteration of Watercourses

- (1) Notify adjacent communities and the STATE BUREAU OF DISASTER SERVICES prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4 VARIANCE PROCEDURE

4.4-1 Appeal Board

- (1) The CITY COUNCIL as established by the City of Clark Fork shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The CITY COUNCIL shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the MAYOR in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the CITY COUNCIL or any taxpayer, may appeal such decision to a COURT OF COMPETENT JURISDICTION as provided in Idaho Code 50-3.
- (4) In passing upon such applications, the CITY COUNCIL shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) The danger that materials may be swept onto other lands to the injury of others;
 - (ii) The danger to life and property due to flooding or erosion damage;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity to the facility of a waterfront location, where applicable;

- (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this Ordinance, the Local Administrator may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- (6) The City Clerk shall maintain the records of all appeal actions and shall report any variances to the Federal Insurance Administration upon request of the local administrator.

4.4-2 Conditions for Variances

- (1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- (3) Variances shall not be issued within a

designated floodway if any increase in flood levels during the base flood discharge would result.

- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.
- (6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.4-2(1), and otherwise complies with Sections 5.1-1 and 5.1-2 of the GENERAL STANDARDS.
- (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required.

5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

5.5-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.3-2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required.

5.2-1 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this

requirement must be certified by a registered professional engineer or must meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (ii) The bottom of all openings shall be no higher than one foot above grade.
- (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (3) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2)(ii);
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2);
- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base level will be rated as one foot below).

5.2-3 Manufactured Homes.

- (1) All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's FIRM on sites:
 - (i) Outside of a manufactured home park or subdivision,
 - (ii) In a new manufactured home park or subdivision,
 - (iii) In an expansion to an existing manufactured home park or subdivision,
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated and one foot above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

5.2-4 Recreational Vehicles.

Recreational vehicles placed on sites within Zones A, A1-30, and AE in the community's FIRM either must:

- (i) Be on site for fewer than 180 consecutive days, or

- (ii) Be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (iii) Meet the requirements of 5.2-3 above and the elevation and anchoring requirements for manufactured homes.

5.2-5 Accessory Structures

Construction or substantial improvement of accessory structures, as defined in Section 2.0, shall either have the lowest floor elevated one foot or more above the base flood elevation; or must meet the following criteria:

- (1) A minimum of two openings having a total net area of not less than one square foot of enclosed area subject to flooding shall be provided,
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, or other coverings provided they may permit the automatic entry and exit of floodwaters.
- (4) Structures should not be designed for human habitation.
- (5) Structures should be firmly anchored to prevent flotation which may result in damage to other structures.
- (6) Service facilities such as mechanical and electrical equipment shall be elevated above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

- (2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

5.4 ENCROACHMENTS

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

5.5 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- (1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (ii) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects

of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer as in Section 5.2-2(3).

- (3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (4) Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - (i) Be on the site for fewer than 180 consecutive days, or
 - (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (iii) Meet the requirements of 5.5 above and the elevation and anchoring requirements for manufactured homes.

5.6 CRITICAL FACILITIES

Construction of new critical facilities shall be to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-yr floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet or more above the level of the base flood elevation (100-yr) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Ingress and egress routes, elevated to or above the base flood elevation, shall be provided to all critical facilities to the extent possible.

SECTION 6.0 REPEAL OF CONFLICTING ORDINANCES

Ordinance No. 180 proscribing building in the Flood Prone Areas, enacted January 12, 1982; 180-1 proscribing building in the Flood Prone Areas enacted April 14, 1987; 180-2 amends 180-1 by adding a definition for Manufactured Homes enacted March 8, 1994 is repealed.

SECTION 7.0 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8.0
EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be in full force and effect following its approval, passage, and publication in one (1) issue of the Bonner County Daily Bee.

PASSED AND APPROVED as an Ordinance of the City of Clark Fork, Idaho at a regular meeting this 11th day of Dec., 2000

Linda V. Reed
Linda V. Reed, Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Lynn Siple	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Kathy Johnson	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Tom Shields	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Mary Milotz	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

ATTEST: Elizabeth Parenti
Elizabeth Parenti, City Clerk

SUMMARY OF CLARK FORK FLOOD DAMAGE PREVENTION ORDINANCE
ORDINANCE NO. 225

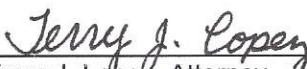
The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 225, an ordinance replacing Ordinance 180-1, providing regulations for construction in certain flood prone areas within the City of Clark Fork known as Flood Damage Prevention Ordinance. The ordinance contains the following provisions: a statement of authority, providing findings of fact; a statement of purpose and methods and provisions for reducing flood loss; a section of definitions of words and phrases used; a section of general provisions listing lands to which ordinance applies, basis for establishing the area of special flood hazard, penalties and remedies for noncompliance allowing for fines, misdemeanor criminal penalties and civil remedies; provisions for abrogation and greater restrictions, interpretation, and warning and disclaimer of liability; a section providing administration, including providing for establishment of development permit with requirements and application procedures; providing designation of local administrator; providing duties and responsibilities of the local administrator including permit review, use of other base flood data, information to be obtained and maintained and alteration of water course; providing a variance procedure allowing for an appeal board, and conditions for variances; providing provisions for flood hazard reduction with general standards including anchoring, construction materials and methods, utilities, subdivision proposals, and review of building permits; and Specific standards for residential construction, nonresidential construction, manufactured homes, recreational vehicles and accessory structures; provisions for floodways, encroachments, standards for shallow flooding areas (AO zones), and critical facilities; a section for repeal of conflicting ordinances; a section providing for severability; and provides that the ordinance shall be effective following its passage on the 11 day of December, 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Flood Damage Prevention Ordinance is available at City Hall in Clark Fork.

Dated this 27th day of Dec., 2000.


Elizabeth Parenti, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Flood Damage Prevention Ordinance dated Dec. 27, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.


Terry J. Lopez, Attorney
Dated: 12-27-00

CLARK FORK ORDINANCE NO. 224

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000, APPROPRIATING THE SUM OF \$232,579.00 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF CLARK FORK, IDAHO FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and City Council of the City of Clark Fork, Bonner County, Idaho.

Section 1: That the sum of \$232,579.00 be, and the same is appropriated to defray the necessary expenses and liabilities of the City of Clark Fork, Bonner County, Idaho for the fiscal year beginning October 1, 2000.

Section 2: The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

GENERAL FUND:	\$ 83,947
STREET FUND:	\$ 58,725
DEBT SERVICE FUND:	\$ 22,422
WATER FUND:	\$ 67,485
TOTAL EXPENSES	\$232,579

Section 3: That a general tax levy on all taxable property within the City of Clark Fork be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2000.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Bonner County Daily Bee, a newspaper of general circulation in the City of Clark Fork, and the official newspaper of said City.

PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an Ordinance of the City of Clark Fork, Bonner County, Idaho at a convened meeting of the Clark Fork City Council held on the 28th day of August, 2000.

Linda V. Reed
Linda V. Reed, Mayor

ATTEST:

Elizabeth Parenti
Elizabeth Parenti, City Clerk/Treasurer

CITY COUNCIL MEMBERS:	YES	NO	ABSENT	ABSTAIN
Kathy Johnson	☒	☐	☐	☐
Mary Milotz	☒	☐	☐	☐
Tom Shields	☒	☐	☐	☐
Lynn Siple	☒	☐	☐	☐

SUMMARY OF CLARK FORK FLOOD DAMAGE PREVENTION ORDINANCE
ORDINANCE NO. 225

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Dated this 27th day of Dec., 2000.

Elizabeth Parenti
Elizabeth Parenti, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Flood Damage Prevention Ordinance dated Dec. 27, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

Terry J. Lopez
Terry J. Lopez, Attorney
Dated: 12-27-00

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is BOOKKEEPER

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Ordinance # 225

as it was published in the regular and entire issue of the

said paper for a period of 1 day consecutive weeks,

commencing on 4 day of Jan, 2001

and ending on the 4 day of Jan, 2001

and that said notice was published in said newspaper.

On this 4 day of Jan in the year
of 2001, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My Commission expires:

8/06

**SUMMARY OF
CLARK FORK FLOOD
DAMAGE PREVENTION
ORDINANCE
ORDINANCE NO. 225**

The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork ordinance No. 225, an ordinance replacing Ordinance 180-1, providing regulations for construction in certain flood prone areas within the City of Clark Fork known as Flood Damage Prevention Ordinance. The ordinance contains the following provisions: a statement of authority, providing findings of fact; a statement of purpose and methods and provisions for reducing flood loss; a section of definitions of words and phrases used; a section of general provisions listing lands to which ordinance applies, basis for establishing the area of special flood hazard; penalties and remedies for noncompliance allowing for fines, misdemeanor criminal penalties and civil remedies; provisions for abrogation and greater restrictions, interpretation, and warning and disclaimer of liability; a section providing administration, including providing for establishment of development permit with requirements and application procedures; providing designation of local administrator; providing duties and responsibilities of the local administrator including permit review, use of other base flood data, information to be obtained and maintained and alteration of water course; providing a variance procedure allowing for an appeal board, and conditions for variances; providing provisions for flood hazard reduction with general standards including anchoring, construction materials and methods, utilities, subdivision proposals, and review of building permits; and Specific standards for residential construction, nonresidential construction, manufactured homes, recreational vehicles and accessory structures; provisions for floodways, encroachments, standards for shallow flooding

areas (AO zones), and critical facilities; a section for repeal of conflicting ordinances; a section providing for severability; and provides that the ordinance shall be effective following its passage on the 11 day of December, 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Flood Damage prevention Ordinance is available at City Hall in Clark Fork.

Dated this 27th day of December, 2000.

/s/Elizabeth Parenti, City Clerk
**STATEMENT OF
LEGAL ADVISOR**

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Flood Damage Prevention Ordinance dated December 27, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

/s/Terry J. Lopez, Attorney
Dated: 12-27-00.

Legal SNP#2299 - Jan. 4, 2001

2299