



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 1129

AN ORDINANCE REPEALING ORDINANCE 717 BY ADDING SIX DEFINITIONS; A SECTION FOR RECREATIONAL VEHICLES; AND A SEVERABILITY SECTION; “ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION; PROVIDING FOR THE ISSUANCE OF A PERMIT BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS IN ANY AREA OF SPECIAL FLOOD HAZARD; ESTABLISHING A VARIANCE PROCEDURE; SETTING FORTH THE PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.”

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.

SECTION I.I: STATUTORY AUTHORIZATION. The Legislature of the State of Idaho has in statutes 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 the City of Rexburg, Idaho, does ordain as follows:

SECTION I.II: FINDINGS OF FACT.

1. The flood hazard areas of the City of Rexburg are subject to periodic inundation which results 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.

SECTION I.III: STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and 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.

SECTION I.IV: 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 II: DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give this ordinance it's most reasonable application.

1. "**APPEAL**" means a request for review of the City Building Inspector's interpretation of any provision of this ordinance or a request for a variance.
2. "**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 pounding.
3. "**AREA OF SPECIAL FLOOD HAZARD**" means the land in the flood plain 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.
4. "**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." Designations on maps always include the letter A.
5. "**BASE FLOOD ELEVATION (BFE)**" the computed elevation to which flood water is anticipated to rise during the "Base Flood." The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.
6. "**BASEMENT**" any area of the building having its floor sub grade (below ground level) on all sides, including a crawlspace.
7. "**DEVELOPMENT**" any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specifically including the construction of dikes, berms and levees. The term "development" does not

include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations. (I.C. 46-1021)

8. **"FLOOD" or "FLOODING"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters and/or
 - b. The unusual and rapid accumulation of runoff or surface waters from any source.

9. **"FLOOD PROTECTION ELEVATION (FPE)"** As defined in Idaho Code §46-1021(7), an elevation that shall correspond to the elevation of the one percent (1%) chance annual flood (base flood elevation or BFE), plus any increased flood elevation due to floodway encroachment, plus any required freeboard. The flood protection elevation for Rexburg, Idaho is equal to BFE plus one foot (1') of freeboard; the freeboard accounts for any flood elevation increases due to floodway encroachment as shown in the community's Flood Insurance Study.

10. **"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.

11. **"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.

12. **"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 one foot.

13. **"LOWEST FLOOR"** means the lowest floor of the lowest enclosed are (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 V.II-I: (2)**.

14. **"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 CONNECTED TO THE REQUIRED UTILITIES. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

15. **"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.

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

17. **"RECREATIONAL VEHICLE"** a vehicle that 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 towed 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.

18. **"REGULATORY FLOODWAY"** 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.

19. **"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 foundation or the erection of temporary forms; nor does it include the installation on the property of accessory erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

21. **"SUBSTANTIAL DAMAGE"** 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 its market value before the damage occurred.

22. **"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:
 - 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 purpose 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:

- a. 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 saving living conditions, or
 - b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
23. **"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.

SECTION III: GENERAL PROVISIONS.

SECTION III.I: LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Rexburg.

SECTION III.II: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Madison County and its incorporated cities," dated January 17, 1990, as amended with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Clerk's office, City Building, 35 North 1st East, Rexburg, Idaho.

SECTION III.III: PENALTIES 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. Violation 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 requirements shall upon conviction thereof be fined not more than \$300 or imprisoned for not more that 180 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 Rexburg from taking such other lawful action as is necessary to prevent or remedy any violations.

SECTION III.IV: 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, which ever imposes the more stringent restrictions shall prevail.

SECTION III.V: 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 nor repeal any other powers granted under State Statutes.

SECTION III.VI: 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 Rexburg, 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 IV: ADMINISTRATION.

SECTION IV.I: ESTABLISHMENT OF DEVELOPMENT PERMIT.

SECTION IV.I-I: DEVELOPMENT PERMIT REQUIRED. A development permit shall be obtained before construction or development begins with any area of special flood hazard established in **SECTION III.II:** 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."

SECTION IV.I-II: APPLICATION FOR DEVELOPMENT PERMIT.

Application for a development permit shall be made on forms furnished by the City Clerk and/or City Building Inspector 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 a relation to men sea level, of the lowest floor (including Basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the floodproofing criteria in **SECTION V.II-II**; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

SECTION IV.II: DESIGNATION OF THE CITY BUILDING OFFICIAL.

The City Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION IV.III: DUTIES AND RESPONSIBILITIES OF THE CITY BUILDING OFFICIAL. Duties of the City Building Official shall include, but not be limited to:

SECTION IV.III-I: 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 V.IV: (1)** are met.

SECTION IV.III-II: USE OF OTHER BASE FLOOD DATA. When base flood elevation data has not been provided in accordance with **SECTION III.II: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**, the City Building Official 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 **SECTION V.II: SPECIFIC STANDARDS**, and **SECTION V.IV: FLOODWAYS** .

SECTION IV.III-III: INFORMATION TO OBTAINED AND MAINTAINED.

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in **SECTION IV.III-II**: 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 floodproofed structures:
 - (i) verify and record the actual elevation (in relation to mean sea level), and
 - (ii) maintain the floodproofing certifications required in **SECTION IV.I-II: (3)**.

3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

SECTION IV.III-IV: ALTERATION OF WATERCOURSES.

1. Notify adjacent communities and the Idaho Department of Water Resources, 1301 North Orchard, Boise, Idaho 83720, 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.

SECTION IV.III-V: INTERPRETATION OF FIRM BOUNDARIES. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in **SECTION IV.IV.**

SECTION IV.IV: VARIANCE PROCEDURE.

SECTION IV.IV-I: APPEAL BOARD.

1. The City Council as established by the City of Rexburg shall bear 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 City Building Inspector 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 the district court, as provided in the Idaho Administrative Procedures Act.
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 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, and water systems, and streets and bridges.
5. Upon consideration of the factors of **SECTION IV.IV-I: (4)** and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.
6. The City Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

SECTION IV.IV-II: 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 IV.IV-I: (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, 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 will 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 IV.IV-I: (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 **SECTION IV.IV-II;** and otherwise complies with **SECTION V.I-I:** and **SECTION V.I-II:** 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 V: PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION V.I: GENERAL STANDARDS. In all areas of special flood hazards, the following standards are required:

SECTION V.I-I: 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 (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

SECTION V.I-II: 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.

SECTION V.I-III: 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.

SECTION V.I-IV: 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).

SECTION V.I-V: REVIEW OF BUILDING PERMITS. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source **SECTION IV.III-II**, 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 judgment 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.

SECTION V.II: SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in **SECTION III.II: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD** or **SECTION IV.III-II: USE OF OTHER BASE FLOOD DATA**, the following provisions are required:

SECTION V.II-I: RESIDENTIAL CONSTRUCTION.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the flood protection 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 either be certified by a registered professional engineer or architect 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.

SECTION V.II-II: NONRESIDENTIAL CONSTRUCTION. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall:

1. be floodproofed so that below 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 or architect 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 IV.III-III: (2)**.
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in **SECTION V.II-I: (2)**.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be rated as one foot below that level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

SECTION V.II-III: MANUFACTURED HOMES. All manufactured homes to be placed or substantially improved with Zones AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection **SECTION V.I-I: (2)**.

SECTION V.III: All development (residential/nonresidential) needs to have the first floor elevated at or above the Flood Protection Elevation (FPE).

SECTION V.III.I: RECREATIONAL VEHICLES. Federal Code 60.3(c) (14) as follows:

1. Require that recreational vehicles placed on sites within Zones AH and AE on the community's FIRM either
 - (i) Be on the site for fewer than 180 consecutive days,
 - (ii) Be fully licensed and ready for highway use, or
 - (iv) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements found in §V-I-I and §V-II-I of this ordinance.
2. A recreational vehicle is ready for highway use if it is 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.

SECTION V.IV: FLOODWAYS. Located within areas of special flood hazard established in **SECTION III.II:** areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters 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 engineer or architect is provided demonstrating that encroachments

shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If **SECTION IV.III-I:** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **SECTION V: PROVISIONS FOR FLOOD HAZARD REDUCTION.**

SECTION VI: SEVERABILITY: That if any section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Rexburg City Council hereby declares that it would have passed this ordinance, and each section clause or phrase hereof, irrespective of the fact that any one or more sections, sentences, clauses and phrases be declared unconstitutional.

SECTION VII: This ordinance shall take effect and be in full force and effect from and after its passage, approval and due publication as provided by law.

SECTION VIII: SUMMARY OF ORDINANCE 1129:

AN ORDINANCE REPEALING ORDINANCE 717 BY ADDING SIX DEFINITIONS; A SECTION FOR RECREATIONAL VEHICLES; AND A SEVERABILITY SECTION; "ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION; PROVIDING FOR THE ISSUANCE OF A PERMIT BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS IN ANY AREA OF SPECIAL FLOOD HAZARD; ESTABLISHING A VARIANCE PROCEDURE; SETTING FORTH THE PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE."

THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION IN AN UPDATED SCIENTIFIC AND ENGINEERING REPORT ENTITLED "THE FLOOD INSURANCE STUDY FOR MADISON COUNTY AND ITS INCORPORATED CITIES," DATED JANUARY 17, 1990, AS AMENDED WITH ACCOMPANYING FLOOD INSURANCE MAPS IS HEREBY ADOPTED BY REFERENCE AND DECLARED TO BE A PART OF THIS ORDINANCE. THE FLOOD INSURANCE STUDY IS ON FILE AT THE CITY CLERK'S OFFICE, CITY BUILDING, 35 NORTH 1ST EAST, REXBURG, IDAHO.

I, Stephen Zollinger, City Attorney for the city of Rexburg, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Rexburg, pursuant to Idaho Code section 50-901A (3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1129.

DATED this 15TH day of April, 2015.

Stephen Zollinger, City Attorney
Rexburg, Idaho

