

ORDINANCE NO. _____

CITY OF DOVER, IDAHO

FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE OF THE CITY OF DOVER, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING FLOOD DAMAGE PREVENTION ORDINANCE #113 AND REPLACING IT WITH A NEW FLOOD DAMAGE PREVENTION ORDINANCE (PROPOSED TITLE 10) FOR THE PURPOSE OF ADOPTING THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND STATE OF IDAHO DISASTER PREPAREDNESS ACT. THE ORDINANCE SETS FORTH STATUTORY AUTHORITY, FINDINGS, PURPOSE, PROVISIONS, AND STANDARDS FOR FLOOD DAMAGE PREVENTION, AND ESTABLISHES ADMINISTRATION OF THIS ORDINANCE, PENALTIES, A SAVINGS CLAUSE, SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, the State of Idaho Disaster Preparedness Act, Title 46, Chapter 10, authorizes local governments to adopt floodplain maps and a floodplain management ordinance to minimize flood hazards and to protect life, health, and property from flooding; and

Whereas, Idaho Code §46-1020(c) recognizes local governments have the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish proper floodplain management; and

Whereas, the City of Dover, Idaho adopted Flood Damage Prevention Ordinance #91 on August 10, 2006, and adopted a revised Flood Damage Prevention Ordinance #113 on November 12, 2009; and

Whereas, the City of Dover desires to continue to meet the requirements of the National Flood Insurance Program and the Idaho Disaster Preparedness Act and to continue a floodplain management program; and

Whereas, following a state review of the city floodplain codes and program, the Idaho Department of Water Resources has requested Dover update its flood damage prevention ordinance to reflect current minimum state and federal floodplain regulations.

Now therefore,

Be it ordained by the Mayor and City Council of the City of Dover, Bonner County, Idaho as follows:

Section 1:

That Flood Damage Prevention Ordinance #113 is hereby repealed in its entirety and a new Flood Damage Prevention Ordinance is hereby adopted, to be known as Dover City Code Title 10, Flood Damage Prevention, Ordinance # _____ and shall read as follows:

Contents

Chapter 1.....	1
TITLE, AUTHORITY AND PURPOSE.....	1
10-1-1: TITLE:	1
10-1-2: AUTHORITY:.....	1
10-1-3: PURPOSE:.....	1
10-1-4: FINDINGS OF FACT:.....	2
10-1-5: OBJECTIVES AND METHODS TO REDUCE FLOOD LOSSES.....	2
Chapter 2.....	3
DEFINITIONS.....	3
10-2-1: DEFINITIONS:	3
Chapter 3.....	10
GENERAL PROVISIONS	10
10-3-1: APPLICABILITY:.....	10
10-3-2: BASIS FOR SPECIAL FLOOD HAZARD AREAS:	10
10-3-3: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT:.....	10
10-3-4: COMPLIANCE:	10
10-3-5: ABROGATION AND GREATER RESTRICTIONS:	10
10-3-6: INTERPRETATION:.....	10
10-3-7: WARNING AND DISCLAIMER OF LIABILITY:	11
10-3-8: PENALTIES FOR VIOLATION:	11
Chapter 4.....	12
ADMINISTRATION	12
10-4-1: DESIGNATION OF FLOODPLAIN ORDINANCE ADMINISTRATOR:.....	12
10-4-2: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR:.....	12
10-4-3: APPLICATION REQUIREMENTS:	14
10-4-4: PERMIT REQUIREMENTS:	15
10-4-5 CERTIFICATION REQUIREMENTS:	16
10-4-6: CERTIFICATION EXEMPTIONS:	17
10-4-7: DETERMINATIONS FOR EXISTING BUILDINGS & STRUCTURES:.....	17
Chapter 5.....	18

CORRECTIVE PROCEDURES	18
10-5-1: VIOLATIONS TO BE CORRECTED:	18
10-5-2: FAILURE TO TAKE CORRECTIVE ACTION:	18
Chapter 6.....	19
VARIANCES	19
10-6-1: SCOPE OF FLOODPLAIN VARIANCES:	19
10-6-2: APPLICATION:	19
10-6-3: APPLICATION PROCEDURES:	20
10-6-4: STANDARDS FOR VARIANCE REVIEW:	20
10-6-5: CONDITIONS OF APPROVAL AND FINAL DECISION:	21
Chapter 7.....	23
PROVISIONS FOR FLOOD HAZARD REDUCTION	23
10-7-1: GENERAL STANDARDS:	23
10-7-2: SPECIFIC STANDARDS:	25
10-7-3: STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BFEs:	30
10-7-4: STANDARDS FOR RIVERINE FLOODPLAINS:	31
10-7-5: STANDARDS FOR FLOODWAYS AND FLOOD FRINGE AREAS:	31
10-7-6: STANDARDS FOR AREAS OF SHALLOW FLOODING:	32
Chapter 8.....	32
LEGAL STATUS PROVISIONS	32
10-8-1: RIGHTS AND LIABILITIES:	32
10-8-2: EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS:.....	32

DOVER CITY CODE

Title 10

FLOOD DAMAGE PREVENTION

Chapter 1 TITLE, AUTHORITY AND PURPOSE

10-1-1: TITLE:

This title shall be known as Title 10 of Dover City Code, Flood Damage Prevention.

10-1-2: AUTHORITY:

The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property.

10-1-3: PURPOSE:

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

- A. Protect human life, health, and property;
- B. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- C. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;
- D. Minimize expenditure of public money for costly flood control projects;
- E. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the public;
- F. Minimize prolonged business interruptions;
- G. Ensure potential buyers are notified the property is in an area of special flood hazard; and
- H. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

10-1-4: FINDINGS OF FACT:

- A. The flood hazard areas of Dover are subject to periodic inundation that results in:
1. Loss of life and property;
 2. Health and safety hazards;
 3. Disruption of commerce and governmental services;
 4. Extraordinary public expenditures for flood relief and protection; and
 5. Impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
- C. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

10-1-5: OBJECTIVES AND METHODS TO REDUCE FLOOD LOSSES

The following methods and provisions are provided to achieve the purpose of this title:

- A. Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
- B. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that increase flood heights, velocities, or erosion;
- C. Control filling, grading, dredging, and other development that may increase flood damage or erosion;
- D. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
- E. Preserve and restore natural floodplains, stream channels, and natural protective barriers that carry and store flood waters.

Chapter 2 DEFINITIONS

10-2-1: DEFINITIONS:

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

Accessory Structure (appurtenant structure): A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Addition (to an existing building): An extension or increase in the floor area or height of a building or structure.

Appeal: A request for review of the floodplain administrator's interpretation of provisions of this title.

Area of Shallow Flooding: A designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a federal, state, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the Flood Protection Elevation (FPE).

Basement: Any area of the building having its floor sub grade (below ground level) on all sides.

Building: See structure.

Critical Facilities: Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

Datum: The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development: 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 or drilling operations, or storage of equipment or materials, located within a special flood hazard area.

Development Activity: Any activity defined as development which will necessitate a floodplain development permit, such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Digital Flood Insurance Rate Map (DFIRM): The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Elevated Building: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation Certificate: A document used to determine the proper flood insurance premium rate. The certificate is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Enclosure: An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

Encroachment: The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction: For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing Manufactured Home Park or Manufactured Home Subdivision: A manufactured home park or subdivision where 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 final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, January 16, 2007.

Existing Structures: See existing construction.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing 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).

FEMA: Federal Emergency Management Agency.

Flood or Flooding:

- A. 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.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1. of this definition.

Flood Elevation Determination: See Base Flood Elevation (BFE)

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Zone: A geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Administrator: The individual designated by the mayor to administer and enforce the floodplain management regulations.

Floodplain Development Permit: Any type of permit that is required in conformance with the provisions of this title, prior to the commencement of any development activity.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

Floodproofing: 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.

Flood Protection Elevation (FPE): Base Flood Elevation (BFE), plus any freeboard established by the City of Dover. In Special Flood Hazard Areas where Base Flood Elevations have been determined, this elevation shall be the BFE plus zero (0) feet of freeboard; and in Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two feet (2') above the highest

adjacent grade, or as determined by the floodplain administrator where specifically authorized by this title.

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.

Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be zero (0) feet for the City of Dover.

Functionally Dependent Use: A facility that cannot be used for its intended purpose unless it is located or carried out near water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade (HAG): The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure.

Historic Structure: A structure that is:

- A. Listed individually in the U.S. Department of Interior National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

Letter of Map Revision (LOMR): FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The

LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

Letter of Map Revision, Conditional (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Levee: A man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Lowest Adjacent Grade (LAG): The lowest point of the ground level next to the structure.

Lowest Floor: 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 44 CFR § 60.3 and this title.

Manufactured Home: A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

Mudslide (i.e., mudflow): A condition where there is a river, flow, or inundation of liquid mud down a hillside usually resulting from loss of vegetation and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

National Flood Insurance Program (NFIP): The NFIP is a federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

New Construction: For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after January 16, 2007 and before the effective start date of this floodplain management title is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision: A place where 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 final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Dover January 16, 2007.

Post-FIRM: Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM), which is January 16, 2007 for the City of Dover.

Pre-FIRM: construction or other development for which the “start of construction” occurred before January 16, 2007, the effective date of the initial Flood Insurance Rate Map (FIRM) for the City of Dover.

Recreational Vehicle: A vehicle that is:

- A. Built on a single chassis, and
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection, and
- 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.

Regulatory Floodway: See Floodway.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA): The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition 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 on the property of 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: A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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 (50%) of its market value before the damage occurred. See definition of “substantial improvement.”

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a “historic structure,” provided the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this title.

Technical Bulletins and Technical Fact Sheets: FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U. S. Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by state and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

Temperature Controlled: Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance: A grant of relief by the governing body from a requirement of this title.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Zone A: Areas subject to inundation by the 1-percent (1%) annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown on maps. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Chapter 3 GENERAL PROVISIONS

10-3-1: APPLICABILITY:

This title shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Dover. Nothing in this title is intended to allow uses or structures that are otherwise prohibited by the Dover Zoning Regulations.

10-3-2: BASIS FOR SPECIAL FLOOD HAZARD AREAS:

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Bonner County, Idaho and Incorporated Areas, dated July 7, 2014, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this title. The FIS and the FIRM are on file at the office of the Dover City Clerk, 699 Lakeshore Ave., Dover, Idaho.

10-3-3: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT:

A Floodplain Development Permit shall be required in conformance with the provisions of this title prior to the commencement of any development activities within Special Flood Hazard Areas, determined in accordance with the provisions of section 10-3-2 of this title.

10-3-4: COMPLIANCE:

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this title and other applicable regulations.

10-3-5: ABROGATION AND GREATER RESTRICTIONS:

This title shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, or similar regulations. However, where this title and another ordinance or title conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

10-3-6: INTERPRETATION:

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

10-3-7: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of the City of Dover by any officer or employee thereof for flood damages that result from reliance on this title or an administrative decision lawfully made hereunder.

10-3-8: PENALTIES FOR VIOLATION:

No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this title and other applicable regulations.

Violation of the provisions of this title or failure to comply with any of its requirements, including violation of conditions and safeguards established with approved variances or special exceptions, shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000) or imprisoned in a county jail not exceeding six (6) months or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Dover from taking such other lawful actions as is necessary to prevent or remedy any violation.

Chapter 4 ADMINISTRATION

10-4-1: DESIGNATION OF FLOODPLAIN ORDINANCE ADMINISTRATOR:

The "Floodplain Administrator," is hereby authorized to administer and implement the provisions of this title.

10-4-2: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR:

The floodplain administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this title have been satisfied.
- B. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
- C. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- E. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of section 10-7-5 are met.
- F. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of section 10-4-5.
- G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of section 10-4-5.
- H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of section 10-4-5.
- I. Obtain certifications from an Idaho-licensed professional engineer or architect in accordance with the provisions of sections 10-4-5 and 10-7-2.B, when floodproofing is utilized.
- J. Make the necessary interpretations where needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this title.

- K. Obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a federal, state, or other source, including data developed pursuant to section 10-7-3.B, to administer the provisions of this title whenever Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of section 10-3-2.
- L. Obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a federal, state, or other source to administer the provisions of this title, whenever Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of section 10-3-2.
- M. May advise property owners of the option to apply for a Letter of Map Amendment (LOMA) from FEMA when the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE). The administrator or designee shall maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- N. Assist the city in ensuring that it permanently maintains all records that pertain to the administration of this title and assist in making these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- O. Make or direct to be made on-site inspections of work in progress. As work pursuant to a floodplain development permit progresses, the floodplain administrator shall make, or direct to be made, as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this title and Title 9 and the terms of the permit. In exercising this duty, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action related to permit activities.
- P. Issue stop-work orders or direct the issuance of stop-work orders, as required. Whenever an activity is undertaken or a building or part thereof is being constructed, placed, reconstructed, altered, or repaired in violation of this title, the floodplain administrator is authorized to order the work to be immediately stopped. The stop-work order shall be in writing and directed to the landowner and the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The floodplain administrator may revoke and declare invalid the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- R. Make or direct to be made periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The floodplain administrator and any member of city staff so authorized, shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action related to permit activities. In addition, the floodplain administrator or designee shall have the right, under proper legal procedures, to enter property to investigate potential violations of this ordinance.
- S. Follow through with corrective procedures of chapter 5 of this title.

- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain or assist in the maintenance of a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of section 10-3-2 of this title, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of the community's mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

10-4-3: APPLICATION REQUIREMENTS:

Application for a floodplain development permit shall be made to the City of Dover on forms provided by the city prior to any development activities located within Special Flood Hazard Areas. The floodplain development permit application shall be submitted to the city clerk, along with the applicable fees, and shall contain:

- A. A plot plan drawn to scale that shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in section 10-3-2, or a statement that the entire lot is within the Special Flood Hazard Area;
 3. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map, pursuant to as determined in section 10-3-2;
 4. The boundary of the floodway(s) or flood fringe area(s) as determined in section 10-3-2;
 5. The Base Flood Elevation (BFE) where provided as set forth in sections 10-3-2, 10-7-3 or 10-7-4;
 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development.
- B. Proposed elevation, and means of elevating method thereof, of all development within a Special Flood Hazard Area, as verified by an Idaho-licensed surveyor or other professional authorized by Idaho Code to provide such elevations. Elevations include, but are not limited to:
 1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and

3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- C. If floodproofing, a floodproofing certificate with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - D. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this title are met. These details include but are not limited to:
 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls);
 2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with section 10-7-1H.2.a-f when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
 - E. Usage details of any enclosed areas below the lowest floor.
 - F. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - G. Certification that all other local, state, and federal permits required prior to floodplain development permit issuance have been received.
 - H. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of section 10-7-2 paragraphs E and F of this title are met.
 - I. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - J. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

10-4-4: PERMIT REQUIREMENTS:

The Floodplain Development Permit shall include but not be limited to the following:

- A. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, or other applicable development activities.
- B. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 10-3-2.

- C. The Flood Protection Elevation required for the lowest floor and all attendant utilities.
- D. The Flood Protection Elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
- G. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30, where applicable.
- H. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has commenced as per the Start of Construction definition.

10-4-5 CERTIFICATION REQUIREMENTS:

- A. A final as-built Finished Construction Elevation Certificate on a FEMA-approved form is required after construction is completed and prior to issuance of a Certificate of Occupancy. The permit holder shall submit to the floodplain administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to issuance of the Certificate of Occupancy. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Occupancy.
- B. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate, on a form approved by FEMA, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. The permit holder shall submit to the floodplain administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of an Idaho-licensed professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Occupancy.
- C. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty-six inches (36") in height above grade, an engineered foundation certification is required in accordance with the provisions of section 10-7-2.C.2.
- D. If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:
 - 1. A description of the extent of watercourse alteration or relocation;

2. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream;
3. A map showing the location of the proposed watercourse alteration or relocation;
4. An Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the floodplain administrator.

10-4-6: CERTIFICATION EXEMPTIONS:

The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items paragraphs A. and B. of section 10-4-5:

- A. Recreational Vehicles meeting requirements of 10-7-2.E.1.
- B. Temporary Structures meeting requirements of section 10-7-2.F.
- C. Accessory Structures less than 200 square feet meeting requirements of section 10-7-2.H.

10-4-7: DETERMINATIONS FOR EXISTING BUILDINGS & STRUCTURES:

- A. For building permit applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:
 1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this title is required.

Chapter 5

CORRECTIVE PROCEDURES

10-5-1: VIOLATIONS TO BE CORRECTED:

Whenever a violation of this title or applicable state or local laws relating to the floodplain are found to have occurred, the floodplain administrator shall notify the landowner or violator of the violation. The owner or violator shall immediately, or as soon as practical, remedy the violations of law cited in such notification.

10-5-2: FAILURE TO TAKE CORRECTIVE ACTION:

- A. If the owner of a building or property or person in violation of this title fails to take prompt corrective action, the floodplain administrator shall give the property owner written notice, by certified or registered mail, using the address as it appears on the current county assessor's tax rolls, or by personal service, stating:
1. That the building or property is in violation of the floodplain management regulations and specifying the reasons for the violation;
 2. The actions required to bring the property into compliance;
 3. The deadline by which action shall be taken to abate the violation. The specified time period to abate shall not be less than fourteen (14) calendar days nor greater than one-hundred eighty (180) calendar days unless there is imminent threat to life or property or other circumstances affecting response time. The floodplain administrator is authorized to adjust the compliance schedule as circumstances warrant.
- B. Appeal. Any owner who has received an order to take corrective action may appeal the order to the city council. The appeal shall contain a written narrative giving the rationale for the appeal, a statement of facts, and the reason the appellant believes an error was made. The appeal shall be accompanied by a fee, as set forth by city council resolution. The appeal shall be filed with the city clerk within ten (10) days following issuance of the final order. The city council shall consider the appeal using the procedures of Title 12-3-5 of Dover City Code. In the absence of an appeal, the order of the floodplain administrator shall be final.
- C. Failure to Comply with Order. If the owner of a building or property or person in violation of this title fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the city council following an appeal, the city attorney may take any legal action considered necessary to enjoin a violation of this title. The city attorney may, with the consent of city council, bring civil action considered necessary to enjoin a violation of this title.

Chapter 6 VARIANCES

10-6-1: SCOPE OF FLOODPLAIN VARIANCES:

A variance is a grant of relief by the city council from a requirement of this title, where such allowance is not in violation of state, federal or local laws and meets the standards and conditions of this title. Variances may be issued for:

- A. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
- B. Functionally dependent facilities, as defined, provided provisions of sections 10-6-4.L.2, M.1, M.3-5. have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- C. Solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities located in Special Flood Hazard Areas if all the following conditions are met:
 - 1. The use serves a critical need in the community;
 - 2. No feasible location exists for the use outside the Special Flood Hazard Area;
 - 3. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation;
 - 4. The use complies with all other applicable federal, state and local laws.
- D. Any other type of development, provided it meets the requirements of this chapter.

10-6-2: APPLICATION:

An application for a variance and applicable fees shall be submitted to the city clerk on a form provided by the city. The application shall include the following:

- A. A legal description of the property;
- B. A narrative describing the basis for the requested variance and addressing the items in section 10-6-4 of this title;
- C. A to-scale drawing of the site, showing the boundaries of the subject property; adjoining streets; existing structures, proposed development, water courses, and floodplain boundaries;
- D. Any additional material needed for a complete review of the application, as determined by the floodplain administrator.

10-6-3: APPLICATION PROCEDURES:

- A. The floodplain administrator shall have a reasonable amount of time to review the application to determine its completeness. Reasonable time may include up to thirty (30) days. The floodplain administrator shall inform the applicant in writing of any items needed to complete the application.
- B. Copies of the application shall be sent for comment to any affected public or semi-public agencies or entities and the Idaho State Floodplain Coordinator. The city may specify a time up to thirty (30) days by which the comments shall be received. Any agency requests for additional information shall be forwarded to the applicant for response.
- C. Upon completion of the public agency review, the city shall schedule the variance application to the next available planning and zoning commission for a public hearing, allowing sufficient time for advertising in accord with title 67, chapter 65 of Idaho Code. The planning and zoning commission shall consider the variance, determine whether the request is in accord with the standards of this chapter and shall recommend to the city council to: approve; approve with conditions; deny; or remand to the applicant for additional information.
- D. Upon receipt of the recommendation from the planning and zoning commission, the city council shall conduct its own hearing and may, based upon the standards of this chapter: approve; conditionally approve; deny; remand to the applicant for additional information; or continue the hearing to a date specific to allow further deliberations, comments, or information.

10-6-4: STANDARDS FOR VARIANCE REVIEW:

The governing bodies shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this title, and the following standards in determining whether to grant the proposed variance:

- A. The danger that materials may be swept onto other lands causing injury to others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location as defined under chapter 2 of this title as a functionally dependent facility, where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- K. 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;
- L. In no case shall a variance be issued that will:
 - 1. Cause the structure to be in violation of other federal, state, or local laws, regulations, or ordinances;
 - 2. Result in any increase in flood levels during the base flood discharge for properties located within any designated floodway or flood fringe area;
- M. Variances shall only be issued upon a determination that:
 - 1. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 2. The application was made prior to development permit approval;
 - 3. There is a showing of good and sufficient cause;
 - 4. Failure to grant the variance would result in exceptional hardship; and
 - 5. The granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

10-6-5: CONDITIONS OF APPROVAL AND FINAL DECISION:

- A. Upon consideration of the factors listed in subsection 10-6-4 above and the purposes of this title, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this title. Conditions may include provisions for a performance bond or other assurance that the authorized work will be completed in accord with floodplain standards.
- B. The city shall provide the applicant with a written notice of any decision. The notice shall be accompanied by a reasoned statement that explains the criteria and relevant standards used to reach the decision, facts of record, and rationale for making the decision. Any notice of approval shall advise the landowner/applicant of the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- C. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.

- D. The City of Dover will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to consider a variance at least thirty (30) calendar days prior to granting the variance.
- E. Any person aggrieved by the decision of the appeal board may appeal such decision, as provided in Idaho Code 67-6535.

Chapter 7 PROVISIONS FOR FLOOD HAZARD REDUCTION

10-7-1: GENERAL STANDARDS:

In all Special Flood Hazard Areas, the following provisions are required:

- A. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage. (For guidance, refer to FEMA's Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.)
- C. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
- D. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, heating, ventilation, and air conditioning (HVAC) equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 1. Be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 2. Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - a. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - b. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding or equivalent venting systems certified by a licensed engineer to meet or exceed this standard;

- c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - d. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - e. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- I. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this title, shall meet the requirements of "new construction" as contained in this title.
 - J. Nothing in this title shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this title and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this title.
 - K. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in section 10-6-1(C). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of section 10-4-5.
 - L. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
 - M. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - N. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - O. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
 - P. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

- Q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

10-7-2: SPECIFIC STANDARDS:

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in sections 10-3-2 or 10-7-4, the following provisions, in addition to the provisions of section 10-7-1, are required:

- A. Residential Construction. All new construction, substantial improvement, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in chapter 2 of this title.
- B. Non-Residential Construction. All new construction, substantial improvement, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in chapter 2 of this title. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with section 10-7-6.B. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in section 10-4-5, along with the operational plan and the inspection and maintenance plan.
- C. Manufactured Homes.
1. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in chapter 2 of this title.
 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 3. All enclosures or skirting below the lowest floor shall meet the requirements of section 10-7-1H.2.f of this section.
 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed by the landowner

with the floodplain administrator and the local Emergency Management Coordinator. Prior to occupancy, the landowner shall obtain approval for the plan.

D. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a. Not a substantial improvement, then the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - b. A substantial improvement, then both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
 - b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a five (5)-year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, five (5)- year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this title. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
 - b. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

E. Recreational Vehicles. Recreational vehicles shall be either:

1. Temporary Placement and shall be on site for fewer than one-hundred eighty (180) consecutive days and be fully licensed and ready for highway use. (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 has no permanently attached additions); or

2. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in section 10-7-1.

F. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

G. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with section 10-4-5, and the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of section 10-7-1.A;
6. All service facilities, such as electrical, shall be installed in accordance with the provisions of section 10-7-1.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of section 10-7-1.H.2.

H. An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of ten thousand dollars (\$10,000) or less and satisfies the criteria outlined section 10-7-2.G is not required to meet the elevation or floodproofing standards of section 10-7-2.B.

I. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
2. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Not elevated above-ground tanks, that do not meet the elevation requirements of section 10-7-2.B of this title shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
4. Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

J. Construction of Below-Grade Crawlspace.

1. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the lowest exterior lowest exterior adjacent grade (LAG).
2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The system may include perforated pipes, drainage tiles, gravel or crushed stone drainage by gravity or mechanical means, meeting the construction practices outlined by the FEMA Technical Bulletin guidelines. The enclosed area should be drained within a reasonable time after a flood event.

4. Below grade crawlspaces are prohibited within the floodway and anywhere the velocity of floodwaters at the site exceed five feet (5') per second, as established by the Flood Insurance Study.
5. Any building utility system within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within system components during flooding. Ductwork must either be placed above the BFE or sealed from floodwaters.
6. The crawlspace must have openings that equalize hydrostatic pressures by allowing for automatic entry and exit of floodwaters. The bottom of each flood vent opening shall be no more than one foot above the lowest adjacent exterior grade.
7. Portions of the building below BFE shall be constructed with materials resistant to flood damage, including foundations, joists, insulation, or other components that extend below the BFE. (See Technical Bulletin 2-93 for guidance on Flood-Resistant Materials Requirements.)
8. Below-grade crawlspace construction in accordance with the requirements of this subsection will not be considered basements.
9. Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).

K. Other Development in regulated floodways and flood fringe.

1. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of section 10-7-5 of this title
2. Retaining walls, bulkheads, rip-rap, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of section 10-7-5 of this title.
3. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of section 10-7-5 of this title.
4. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of section 10-7-5 of this title.
5. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, ship building, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of section 10-7-5 of this title.

L. Subdivision plats:

1. Flood zone boundaries shall be shown on the final plat of any subdivision located within a special flood hazard area. The boundary line shall be drawn and labeled on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
2. A note shall be provided on the final plat documenting the current flood zone in which the property or properties are located. The note shall specify:
 - a. FEMA FIRM panel information (For example, #160xxxxxC, & 160xxxxxE);
 - b. FIRM effective date(s): mm/dd/year;
 - c. Flood Zone(s): (For example, Zone X, Zone A, Zone AE, AO, Zone, AH, Zone D);
 - d. Base Flood Elevation(s): (For example, AE _____.0 ft.)
 - e. Flood Zones are subject to change by FEMA. All land within a floodway or floodplain is regulated by Flood Damage Prevention standards of Title 10 of Dover City Code, or as subsequently amended.

10-7-3: STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BFEs:

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in section 10-3-2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of section 10-7-1, shall apply:

- A. The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:
 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this title and shall be elevated or floodproofed in accordance with standards in sections 10-7-1 and 10-7-2.
 2. When floodway or flood fringe data is available from a federal, state, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of sections 10-7-2 and 10-7-5.
- B. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with section 10-3-2 and utilized in implementing this title.
- C. When Base Flood Elevation (BFE) data is not available from a federal, state, or other source as outlined in this section, the applicant may submit a site-specific engineering analysis to determine BFE or the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2') above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher, as defined in chapter 2 of this title. All other applicable provisions of section 10-7-2 shall also apply.

10-7-4: STANDARDS FOR RIVERINE FLOODPLAINS:

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards of sections 10-7-1 and 10-7-2; and
- B. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

10-7-5: STANDARDS FOR FLOODWAYS AND FLOOD FRINGE AREAS:

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in 10-3-2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 10-7-1 and 10-7-2 shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - 1. The landowner/applicant demonstrates the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit; or
 - 2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- B. If section 10-7-5.A is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this title.
- C. Manufactured homes may be permitted provided the following provisions are met:
 - 1. The anchoring and the elevation standards of section 10-7-2.C; and
 - 2. The encroachment standards of section 10-7-5A.

10-7-6: STANDARDS FOR AREAS OF SHALLOW FLOODING:

Located within the Special Flood Hazard Areas established in section 10-3-2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to sections 10-7-1 and 10-7-2, all new construction and substantial improvements shall meet the following requirements:

- A. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of zero (0) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
- B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in section 10-7-6.A so that the structure, together with attendant utility and sanitary facilities, below that level shall be 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. Certification is required in accordance with sections 10-4-5 and 10-7-2B.
- C. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

Chapter 8 LEGAL STATUS PROVISIONS

10-8-1: RIGHTS AND LIABILITIES:

This title, in part, is a re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted January 16, 2007, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this title shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Dover enacted on January 16, 2007, as amended, which are not re-enacted herein are repealed.

10-8-2: EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS:

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the floodplain administrator or designee before the time of passage of this title. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this title.

Section 3.

Saving Clause. Ordinances repealed by this ordinance, shall remain in force to authorize the enforcement, arrest, prosecution, conviction, punishment of a person who violates any ordinances prior to the effective date of this ordinance.

Section 4.

Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections

Section 5.

Repeal. Ordinance #113, title Flood Damage Prevention, approved November 12, 2009 is repealed in its entirety.

Section 6.

Effective date. This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper of the City of Dover.

Enacted as an ordinance of the City of Dover, Idaho on this _____ day of _____, 2017, upon the following roll call vote:

Council Member Brockway _____

Council Member Guthrie _____

Council Member Kubiak _____

Council Member Strand _____

Approved by the Mayor this _____ day of _____, 2017.

City of Dover Mayor Annie Shaha

Attest: Michele Hutchings, City Clerk

Publication of this ordinance by summary in the official newspaper is hereby approved by the Dover City Council on this _____ day of _____, 2017, upon the following vote:

Council Member Brockway _____

Council Member Guthrie _____

Council Member Kubiak _____

Council Member Strand _____

Approved by the Mayor this _____ day of _____, 2017.

City of Dover Mayor Annie Shaha

Attest: Michele Hutchings, City Clerk