

WEST BOUNTIFUL CITY

ORDINANCE #381-16

***AN ORDINANCE ADOPTING MODIFICATIONS TO
WBMC TITLE 15 – BUILDINGS AND CONSTRUCTION***

WHEREAS, West Bountiful Municipal Code Section 16.32 – Flood Damage Prevention (Subdivisions) includes a section regulating land uses within FEMA designated flood plains that also applies to properties not included in a subdivision. Title 15 – Building & Construction is a more appropriate location for this Chapter; and,

WHEREAS, Staff has made other changes to clarify language in Title 15 related to Flood Damage Prevention in Special Hazard Areas, and changing the responsibility to review work related to flood plains to the City Engineer; and,

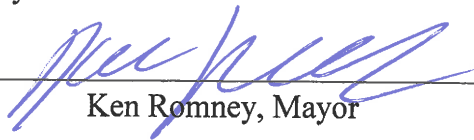
WHEREAS, the West Bountiful Planning Commission held a properly noticed Public Hearing on September 13, 2016, on the proposed changes, and unanimously voted to recommend the City Council adopt the language proposed in Exhibit A.

NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT TITLE 15 OF THE WEST BOUNTIFUL MUNICIPAL CODE BE MODIFIED AS SHOWN ON THE ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 20th day of September, 2016.

By:

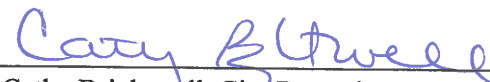


Ken Romney, Mayor

Voting by the City Council:	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	_____
Councilmember Bruhn	<input checked="" type="checkbox"/>	_____
Councilmember Enquist	<input checked="" type="checkbox"/>	_____
Councilmember Preece	<input checked="" type="checkbox"/>	_____
Councilmember Williams	<input checked="" type="checkbox"/>	_____



Attest:



Cathy Brightwell, City Recorder

15 BUILDING AND CONSTRUCTION

15.04 International Codes Adopted

15.08 Building Permits

15.12 Movement of Buildings

15.14 Time of Day Restrictions

15.04 INTERNATIONAL CODE COMMISSION CODES

15.04.010 Technical Codes Adopted

15.04.010 Technical Codes Adopted.

- A. This section is enacted for the purpose of conforming to and supplementing the provisions of Section 58-56-4, Utah Code Annotated, and shall be interpreted to conform to the provisions of that section.
- B. Except when they are in conflict with the provisions of Section 58-56-4, Utah Code Annotated, and the technical codes adopted therein, the following technical codes are adopted by this reference as ordinances of West Bountiful City.
 1. International Building Code. The most recent version of the International Building Code adopted by the State of Utah, together with the most recent version of the International Building Code Standards adopted by the State of Utah, is adopted as the building code of West Bountiful City.
 2. Plumbing Code. The most recent version of the International Plumbing Code adopted by the State of Utah, including all installation standards is adopted as the plumbing code of West Bountiful City.
 3. International Mechanical Code. The most recent version of the International Mechanical Code adopted by the State of Utah is adopted as the mechanical code of West Bountiful City.
 4. National Electrical Code. The most recent version of the National Electrical Code adopted by the State of Utah is adopted as the electrical code of West Bountiful City.
 5. International Energy Conservation Code. The most recent version of the International Energy Conservation Code adopted by the State of Utah is adopted as the energy conservation code for West Bountiful City.
 6. International Property Maintenance Code. The most recent version of the International Property Maintenance Code, as adopted by the State of Utah, for the Abatement of Dangerous Buildings published by the International Conference of Building Officials is adopted as the abatement of dangerous buildings code of West Bountiful City.
 7. International Fire Code. The most recent version of the International Fire Code adopted by the State of Utah, including Appendixes and Standards thereof, adopted by the State of Utah is adopted as the fire code of West Bountiful City.

- 8. International Residential Code. The most recent version of the International Residential Code adopted by the State of Utah is adopted as the residential code of West Bountiful City.
 - C. The West Bountiful building inspector shall be the principal enforcement officer with respect to each of the technical codes described above, except that the fire marshal of the South Davis Metro Fire District shall be the principal enforcement officer with respect to the International Fire Code.
 - D. It is unlawful to perform any work regulated by the technical codes described above without first obtaining a required permit, including the payment of any required fee.
 - E. The violation of any provision of the technical codes described above shall be unlawful and punishable as a Class B misdemeanor. (Ord. 264-00 (part); Ord. 239-95 (part))
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15.08 BUILDING PERMITS

- 15.08.010 Building inspector authorized to enforce regulations.
- 15.08.020 Building permit.
- 15.08.030 Building permit fees.
- 15.08.040 Building, use and occupancy permits to comply with ordinances.
- 15.08.050 Site and off-site improvements may condition building permit approval.
- 15.08.060 Inspection and approval required prior to occupancy.
- 15.08.070 Building permits--Review in flood areas.
- 15.08.080 Subdivision proposals--Review in flood areas.
- 15.08.090 Water and sewer systems.
- 15.08.100 Board of appeals.

15.08.010 Building inspector authorized to enforce regulations.

The building inspector of the City is authorized and responsible to enforce all building regulations which may be adopted by the City Council from time to time.

15.08.020 Building permit.

- A.
 - 1. No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the City.
 - 2. Each building permit application shall include a site plan and such other information as may be required by the West Bountiful Municipal Code. (Ord. 330-11)
- B. Any person obtaining a building permit as required by the West Bountiful Municipal Code shall display or cause to be displayed continuously in a conspicuous place on the job site, the building permit application and inspection card affixed to the reverse side thereof, together with the notice furnished by the city, stating in bold letters, "IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO FINAL INSPECTION," until the final inspection has been completed and a written final

approval is issued by the building inspector covering the premises for which the building permit was issued.

- C. No person shall sell or transfer ownership of a building or structure for which a building permit has been issued to him or her or his or her agent before a final inspection has been made and final approval issued therefore by the building inspector unless he or she shall in writing inform the purchaser or person to whom ownership shall be transferred, whether by deed or pursuant to contract of sale, that such final inspection and final approval are required prior to occupancy or use of such building or structure.
- D. In all zoning districts of the City, the size and shape of the lot or tract, the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the provision of off street parking space, the provision for driveways for ingress and egress, the provision of other open space on the site, drainage patterns, and the display of signs shall be in accordance with a site plan or plans or subsequent amendment thereof, approved in any case by the land use authority prior to issuance of a building or land-use permit, except that when the application for a building permit involves only a single family residence, the land use authority may reduce the detail required in the site plan. In approving site plans the land use authority may act on a site plan submitted to it or may act on its own initiative in proposing and approving a site plan, including any conditions or requirements designated or specified or in connection therewith. A site plan may include landscaping, fences, and walls designed to further the purposes of the regulations for commercial, manufacturing, trailer, and multiple residential zones, and such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder the land use authority shall endeavor to assure safety and convenience of traffic movements both within the area covered and in relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and building and adjacent neighborhoods. (Ord. 330-11)
- E. All finished floor elevations on buildings constructed within the city shall be at least twelve (12) inches above the curb, or street, or proposed street, level adjacent to the building except when otherwise approved by the city engineer and city council. Below floor or crawl space area shall not exceed 48 inches in height as measured from the bottom of the supporting floor member to the top of the finished ground surface. Below floor or crawl space area shall not exceed 60 inches in height as measured from the bottom of the supporting floor structure to the top of a finish floor where the finish floor is one foot or above the curb or street elevation. Below floor or crawl space area, which is located below the street or curb elevation is not considered to be finished floor area and is not approved for domestic use including storage.
- F. Reductions to standard setbacks due to fire rating of an accessory structure are subject to a building permit regardless of structure size or use.
- G. A building permit shall *not* be required for the following:
 - 1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet;
 - 2. Fences not over 6 feet in height.
 - 3. Retaining walls not over 4 feet in height measured from the bottom of the footing to the top of the wall;

4. Platforms as defined by the International Building Code, walks and driveways not more than 30 inches above grade and not over any basement or story below;
5. Painting, papering and similar finish work. (Ord. 330-11)

H. The City may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when it is necessary to protect life or property. Such fences may be of a type and size necessary to accomplish the above stated purpose, as determined by the City consistent with Title 17.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the International Building Code or West Bountiful Municipal Code.

15.08.030 Building permit fees.

- A. A fee for each building permit shall be paid to the City according to the schedule established periodically by resolution of the City Council.
- B. The determination of value or valuation hereunder shall be made by the building inspector. The building inspector may use bona fide bid figures from a responsible contractor or may use his or her best judgment as to the total value of all construction work for which the permit was issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or permanent equipment.
- C. When work for which a permit is required hereunder or by any provisions of the currently adopted International Building Code is started or proceeded with prior to obtaining the permit, the fees specified in the fee schedule as set from time to time by the governing body shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of the code or these ordinances in the execution of the work nor from any other penalties prescribed herein.

In addition to the foregoing an applicant for a building permit shall pay impact, connection and improvement fees as determined periodically by resolution of the City Council. (Ord. 264-00 (part); Ord. 239-95 (part))

15.08.040 Building permit use and final approval to comply with ordinances.

Building use and final approval shall not be granted for the construction or alteration of any building or structure, or for the moving or removal of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use or occupancy would be in violation of any of the provisions of the West Bountiful Municipal Code. Permits issued in violation of any provision hereof, whether intentional or otherwise, shall be null and void.

15.08.050 Site and off-site improvements may condition building permit approval.

The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established.

Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval.

15.08.060 Inspection and approval required prior to occupancy.

It is unlawful to occupy or put into use or permit or allow others to occupy or put into use any building or structure requiring a building permit until the building inspector has inspected the same, found compliance with the West Bountiful Municipal Code, including the building code of the city, and issued final approval thereof. (Ord. 263-99 (part))

15.08.070 Building permits--Review in flood areas.

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- A. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- B. Use construction materials and utility equipment that are resistant to flood damage; and
- C. Use construction methods and practices that will minimize flood damage.

15.08.080 Subdivision proposals--Review in flood areas.

The city engineer shall review subdivision proposals and other proposed new developments to assure that:

- A. All such proposals are consistent with the need to minimize flood damage;
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

15.08.090 Water and sewer systems.

- A. The city engineer shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
- B. In all cases when a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by Utah State Division of Health is not available, and in all cases when a connection to a public water system approved by the Utah State Division of Health is not available, the sewage disposal system and the domestic water supply shall comply with state and local board of health requirements. Applications for a building permit shall be accompanied by a certificate of feasibility from said board or division of health. The application shall also evidence the physical presence, legal right to and availability of culinary water

acceptable to the city and shall show the actual physical presence, legal right and availability of culinary water for the sole use of the proposed building use. (Ord. 330-11)

15.08.100 Board of appeals.

- A. A board of appeals is created for the purpose of passing upon matters pertaining to building construction, to determine the suitability of alternative materials and methods of construction, and to provide for reasonable interpretations of the International Building Code adopted by the City and set forth in Section 113 of Chapter 1 of said Code, and to exercise such other powers as may be delegated to it by the City Council.
 - B. The City Council may appoint a board of appeals by resolution. The board of appeals duly appointed by the City Council shall constitute the City board of appeals and will have full authority to carry out the provision and functions set forth in Section 113 Chapter 1 of the International Building Code and any other functions and responsibilities delegated to it by the City Council. Unless so designated by resolution of the City Council, the board of appeals constituted under this section will not be an “appeal authority” for purposes of Titles 16 and 17 of the West Bountiful Municipal Code.
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Chapter 15.12 MOVEMENT OF BUILDINGS

15.12.010 Movement of buildings into or within the City.

15.12.020 Compliance with zoning ordinance.

15.12.030 Conditional use permit required.

15.12.040 Additional requirements for moving.

15.12.050 Conformity to requirements at new location.

15.12.060 Movement of newly constructed buildings.

15.12.070 Bond or guaranty.

15.12.010 Movement of buildings into or within the City.

No building, or part thereof, may be moved from a lot or location within or without the city to another lot or location within the city except as herein provided.

15.12.020 Compliance with zoning ordinance.

No building or substantial part thereof shall be moved into or relocated within any zone in the city unless it complies or will be made to comply with the types of buildings and uses allowed within such zone.

15.12.30 Conditional use permit required.

No building or substantial part thereof shall be moved into or within the city without applying for and obtaining a conditional use permit as provided in Chapter 17.60.

15.12.040 Additional requirements for moving.

No building or substantial part thereof shall be relocated within the city if otherwise allowed, unless all the following additional requirements are fulfilled. Prior to issuance of a permit to move the same:

- A. The building is inspected in its original location by the city engineer or building inspector and found to be structurally safe and sound and in conformity with the requirements of the adopted codes of the City as stated in Chapter 15.04;
- B. The new location within the City is inspected by the building inspector and found to comply with the requirements of these ordinances;
- C. The foundation at the new location is constructed in accordance with the ordinances of the City prior to movement of the building or part thereof to the vicinity of the new location; and
- D. A landscape plan showing proposed landscaping equal to or exceeding in percentage of landscaped area to total lot area the average of lots within three hundred (300) feet is filed with the City, together with an agreement to complete the same within eighteen (18) months from the date of the permit. The right of occupation shall be conditioned upon this agreement.

15.12.050 Conformity to requirements at new location.

Before the final approval is issued and before occupancy is allowed, the relocated building shall be made to conform to all requirements of the new location to the same extent as that of new construction on the site.

15.12.060 Movement of newly constructed buildings.

Nothing herein shall prevent the movement of newly constructed main or accessory buildings to any location when the same is accomplished in a manner achieving an end result as though the building were constructed in the first instance upon the new location; and when prior to issuance of the permit, the city engineer or building inspector finds that such end result is likely to be achieved.

15.12.070 Bond or guaranty.

Prior to issuance of the permit, the building inspector shall require a performance bond in cash or by sureties qualifying as such under the laws of the State of Utah, in the amount as set forth by resolution from time to time by the City Council, or such other amount as the planning commission shall determine reasonable and necessary to guarantee that the building will be completed in accordance with the ordinances of the City within one year. If the building cannot be so completed within one year, the bond shall be applied to the completion of the structure at the option of the City. When completion of the structure to a state of conformity cannot be had by application of the amount of the bond, plus additional sums deposited by the owner within ten (10) days of notice to deposit same or suffer destruction and removal of the building, then the bond shall be applied to the destruction and removal of the structure, at the option of the City.

Chapter 15.14 TIME OF DAY RESTRICTIONS

15.14.010 Time of Day Restrictions

15.14.010 Time of Day Restrictions.

It is an infraction to conduct construction activities or to permit that they be conducted, such that sound, light or other impacts may be noticeable beyond the property line, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of the following day, without prior written authorization from the City Council.

Construction activities include, but are not limited to:

- A. Loading Operation: To deliver, pick-up, load, unload, open, close, haul, or otherwise handle dirt, gravel, rocks, or similar building materials; or boxes, crates, containers, garbage containers, or similar objects.
- B. Construction Work: To operate any tools, machinery or equipment used in construction, drilling, repair, alteration or demolition work on buildings, structures or streets, including earthwork.

15.16 Flood Damage Prevention in Special Flood Hazard Areas

15.16.010 Statement Of Purpose

15.16.020 Methods Of Reducing Flood Losses

15.16.030 Definitions

15.16.040 Lands To Which This Chapter Applies

15.16.050 Basis For Establishing The Areas Of Special Flood Hazard

15.16.060 Compliance

15.16.070 Abrogation And Greater Restrictions

15.16.080 Interpretation

15.16.090 Warning And Disclaimer Of Liability

15.16.100 Establishment Of Development Permit

15.16.110 Designation Of The City Engineer

15.16.120 Duties And Responsibilities Of The City Engineer

15.16.130 Variance Procedure

15.16.140 General Standards For Flood Hazard Reduction

15.16.150 Specific Standards For Flood Hazard Reduction

15.16.160 Floodways

15.16.010 Statement Of Purpose

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

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains,

electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

Adopted by Ord. 374-15 on 11/17/2015

15.16.020 Methods Of Reducing Flood Losses

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

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

Adopted by Ord. 374-15 on 11/17/2015

15.16.030 Definitions

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

"Appeal" means a request for a review of the public works director's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

"Area of special flood hazard" means the land in the floodplain designated on the FIRM within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Development" means any manmade 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 located within the area of special flood hazard.

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

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Emergency Management Agency that included flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

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

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

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit

date. The "actual start" means 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 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.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Adopted by Ord. [374-15](#) on 11/17/2015

15.16.040 Lands To Which This Chapter Applies

This chapter shall apply to all areas of special flood hazards within the jurisdiction of West Bountiful.

Adopted by Ord. [374-15](#) on 11/17/2015

15.16.050 Basis For Establishing The Areas Of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the West Bountiful," dated October 6, 1987, with an accompanying Flood Insurance Rate Map (FIRM) is adopted by reference and declared to be a part of this chapter. Updates of these studies and map, when duly issued by FEMA, are also adopted. The Flood Insurance Study and FIRM shall be on file at the city offices.

Adopted by Ord. 374-15 on 11/17/2015

15.16.060 Compliance

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

Adopted by Ord. 374-15 on 11/17/2015

15.16.070 Abrogation And Greater Restrictions

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

Adopted by Ord. 374-15 on 11/17/2015

15.16.080 Interpretation

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

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

Adopted by Ord. 374-15 on 11/17/2015

15.16.090 Warning And Disclaimer Of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of West Bountiful City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Adopted by Ord. 374-15 on 11/17/2015

15.16.100 Establishment Of Development Permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by the materials identified in Section 16.32.050. Application for a development permit shall be made on forms furnished by the city engineer and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. The following specific information shall be required:

- A. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevations in relation to mean sea level to which any structure has been flood proofed;
- C. A certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 16.32.150(B); and
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Adopted by Ord. 374-15 on 11/17/2015

15.16.110 Designation Of The City Engineer

The city engineer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

Adopted by Ord. 374-15 on 11/17/2015

15.16.120 Duties And Responsibilities Of The City Engineer

With respect to this chapter, the duties of the city engineer shall include, but not be limited to the following.

- A. Permit Review. The city engineer shall:
 - 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - 2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and
 - 3. Review all development permits to determine if the proposed development is located in the floodway. If the development is located in the floodway, the public works director shall assure that the encroachment provisions of Section 16.32.160(A) are met.
- B. Review of Other Base Flood Data.

When base flood elevation data has not been provided as part of the materials identified in Section 16.32.050, the city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring the new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 16.32.150.
- C. Acquisition and Maintenance of Information. The city engineer shall:
 - 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
 - 2. For all new or substantially improved flood-proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed,

- b. Maintain the flood-proofing certifications required in Section 16.32.100(C); and
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses. The city engineer shall:

1. Notify adjacent communities, the Denver, Colorado FEMA offices, and the Davis County Flood Control prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
2. Require that the altered or relocated portion of the watercourse be maintained so that the flood-carrying capacity of the watercourse is not diminished.

E. Interpretation of FIRM Boundaries.

The city engineer shall interpret, when needed, the exact location of the boundaries of the areas of special flood hazards (for example, when there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.32.130.

Adopted by Ord. 374-15 on 11/17/2015

15.16.130 Variance Procedure

A. Appeal Authority.

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the city council or any taxpayer, may appeal such decisions to the District Court, as provided in Utah law.
4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and state law, and:
 - a. The danger that materials may be swept onto other lands to the injury of 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 owners;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, when applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the 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 flood waters 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, streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 6. The city shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided items listed in subsection (A)(4)(a) through (k) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this section or conflict with existing local laws or ordinances; and
 - d. A specific determination that each of the requirements for a variance under state law has been met.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

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15.16.140 General Standards For Flood Hazard Reduction

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

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and must be capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Specific requirements may include:

- a. Providing over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- b. Providing frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
- c. Ensuring all components of the anchoring system are capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- d. Ensuring any additions to the manufactured home is similarly anchored.

B. Construction Materials and Methods.

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

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less).

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15.16.150 Specific Standards For Flood Hazard Reduction

In all areas of special flood hazards where base flood elevation data has been provided as set forth in the materials identified in Section 16.32.050, or Section 16.32.120(B), the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
2. Within any AO and AH Zone on the FIRM, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade. This floor shall be elevated at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified).
3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood-proofed so that below the base flood elevation the structure is water tight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic

- loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the public works director as set forth in Section 16.32.120(C)(2).
2. Within any AO and AH zone on the FIRM, all new construction and substantial improvements of nonresidential structures:
 - a. have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified); or
 - b. together with attendant utility and sanitary facilities, be completely flood-proofed to that level to meet the flood-proofing standard specified in subsection (A)(1) of this section.
 3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- c. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Exterior walls shall be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Manufactured Homes.
1. Manufactured homes shall be anchored in accordance with Section 16.32.140(A)(2).
 2. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

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15.16.160 Floodways

Located within areas of special flood hazard established in Section 16.32.050 are areas designated as floodways. Because the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. The city prohibits encroachments (including fill), new construction, substantial

improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.

- B. With respect to new construction and substantial improvements, the requirements set forth in subsection A of this section are supplemental to all other applicable flood hazard reduction provisions set forth above in Sections 16.32.140 through 16.32.160, inclusive.

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