

EXHIBIT “A”

CHAPTER 12 FLOODPLAIN MANAGEMENT

12-02-010 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.

A. ~~Accessory Structure: A structure that is on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.~~ For floodplain management purposes, accessory structures are structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures must be used for parking or storage, be small and represent a minimal investment by owners, and have low damage potential. FEMA considers “small” to mean not larger than a one-story two-car garage. Examples of small accessory structures include, but are not limited to, detached garages, storage and tool sheds, and small boathouses.

- Structure Size - The footprint of a typical two-car garage is about 600 square feet in area.

- Storage - Contents stored in wet floodproofed structures will get wet during flooding.

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H. Chief Engineer: See “Floodplain Administrator”.

~~H.I.~~ Community: Any state, area, or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction.

~~I.J.~~ 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.

~~J.K.~~ Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that is used to provide elevation information necessary to ensure compliance with Community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

~~K.L.~~ Encroachment: The advance or infringement of uses, plant growth, fill, excavation, Buildings, permanent Structures or Development into a Floodplain, which may impede or alter the flow capacity of a Floodplain. Activities or construction within the floodway including fill, new construction, substantial improvements, and other development.

These activities are prohibited within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels.

[No revisions to existing subparagraphs L through BB which are hereby renumbered as subparagraphs M through CC to conform.]

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

~~DD.~~ ~~Levee System: A Flood protection system which consists of a Levee, or Levees, and associated Structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.~~

~~EE.~~DD. Lowest Floor: The lowest floor of the lowest enclosed area, including the Basement. See "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).

~~FF.~~EE. Manufactured Home: A Structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include "Recreational Vehicles".

~~GG.~~FF. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into 2 or more Manufactured Home lots for rent or sale.

~~HH.~~GG. Market Value: Replacement cost of a Structure less depreciation since construction.

~~II.~~HH. Mean Sea Level: For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a Community's FIRM are referenced.

~~JJ.~~II. New Construction: For the purposes of determining insurance rates, Structures for which the Start of Construction commenced on or after the effective date of an initial FIRM or after May 29, 1982 (whichever is later), and includes any subsequent improvements to such Structures. For Floodplain Management purposes, New Construction means Structures 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.

~~KK.~~JJ. Obstruction: Including (but not limited to) any dam, wall, wharf, embankment, ~~Levee, Levee System,~~ dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, Building, wire, fence, rock, gravel, refuse, fill, Structure, vegetation or other material in, along, across or projecting into any Watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or (due to its location) its propensity to snare or collect debris carried by the flow of water, or its

likelihood of being carried downstream.

[No revisions to existing subparagraphs LL through TT, which are hereby renumbered as subparagraphs KK though SS to conform.]

~~UU.TT.~~ Structure: A walled and roofed Building that is principally above ground (including a gas or liquid storage tank or Manufactured Home). For floodplain management purposes, a structure is a walled and roofed building that is principally above ground, where walled is considered “two or more outside rigid walls” and roofed is “a fully secured roof.” The term includes gas and liquid storage tanks and manufactured homes. The terms “structure” and “building” are used interchangeably in the NFIP regulations and this bulletin. Floodplain managers must use professional judgement to determine which proposed development projects are “walled and roofed,” and thus regulated as structures, and which proposed projects are regulated as development.

[No revisions to existing subparagraphs VV through GGG, which are hereby renumbered as subparagraphs UU though FFF to conform.]

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-010; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-02-010; Ord. No. 375, Renumbered, 12/28/95, 12-02; Ord. No. 671, Rep&ReEn, 09/28/06; Ord. No. 889, Amended, 05/13/21; Ord. No. 2026-984, Amended, 10/08/26)

12-03-100 ~~Abatement~~Notice of Violations.

~~Within sixty (60) days of discovery of a Violation of this Chapter, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said Violation. Within thirty (30) days of receipt of this report, the Floodplain Board shall:~~

- ~~A. — Take any necessary action to effect the abatement of or otherwise remedy such Violation; or~~
- ~~B. — Issue a Variance to this Chapter in accordance with the provisions of Article 12-06 herein (as amended); or~~
- ~~C. — Order the owner of the property upon which the Violation exists to provide whatever additional information may be required for the Floodplain Board’s determination. Such information must be provided to the Floodplain Administrator within 60 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 30 days after the information is provided. At the next regularly-scheduled public meeting that is no sooner than one (1) week after receiving the report, the Floodplain Board shall either order the abatement of said Violation or they shall grant a Variance in accordance with the provisions of Article 12-06 herein (as amended); or~~
- ~~D. — Submit to FEMA a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 (as amended).~~

If the Chief Engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to A.R.S. Title 48, Chapter 21 without written authorization of the Floodplain Board, the Chief Engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the Board. The notice of violation shall include the date and time by which the person must mail or deliver a response to the notice of violation.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-090; Ord. No. 671, Renumbered, 09/28/06, 12-03-090; Ord. No. 889, Amended, 05/13/21; Ord. No. 2026-984, Ren&Amd, 10/08/26)

12-04-010 Designation of Floodplain Administrator.

~~The manager of the Town's engineering department or division~~Public Works Department or designee is hereby designated as the Floodplain Administrator to administer, implement and enforce this Chapter by granting or denying Development permits in accordance with its provisions.

(Ord. No. 671, Enacted, 09/28/06; Ord. No. 2026-984, Amended, 10/08/26)

12-04-030 Establishment of Development Permit.

- A. A Development permit shall be obtained before construction or Development begins (including placement of Manufactured Homes) within any SFHA established in Section 12-03-020 herein (as amended). Application for a Development permit shall be ~~made on forms furnished~~reviewed by the Floodplain Administrator and may include (but not be limited to) plans drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, applications shall show:

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(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-050; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-04-010; Ord. No. 671, Renumbered, 09/28/06, 12-04-010; Ord. No. 889, Amended, 05/13/21; Ord. No. 2026-984, Amended, 10/08/26)

12-05-010 Standards of Construction.

In all SFHAs, the following standards are required:

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C. Elevation and Floodproofing.

1. Residential Construction. Residential construction (new or Substantial Improvements), shall have the Lowest Floor (including Basement) elevated to or above the RFE -

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- d. A garage attached to a residential Structure (constructed with the garage floor slab below the RFE) must be designed to allow for the automatic entry and exit of floodwaters and must be used solely for parking, access and/or storage.

Upon completion of the Structure, certification by a civil engineer registered in the State of Arizona shall be provided to the Floodplain Administrator to verify that the elevation requirements (as set forth in this Section) of the Lowest Floor (including Basement) have been satisfied.

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5. Flood Openings.

All New Construction and Substantial Improvement with fully enclosed areas below the Lowest Floor (excluding Basement) that are usable solely for parking of vehicles, Building access or storage, and which are subject to Flooding shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

A.a. For non-engineered openings:

- ~~1.~~(1) Have a minimum of two openings on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding;
- ~~2.~~(2) The bottom of all openings shall be no higher than one foot above grade;
- ~~3.~~(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

B.b. For engineered openings:

- ~~1.~~(1) Engineered openings (or covers and devices) that are specifically designed and certified by a civil engineer or architect registered in the State of Arizona as meeting the performance and design requirements.

~~2.~~(2) Engineered openings (or covers and devices) for which an evaluation report has been issued by the International Code Council (ICC) Evaluation Service, Inc. (ICC-ES), a subsidiary of the ICC.

6. Machinery and Service Equipment.

All New Construction, Substantial Improvement and other proposed new Development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to or above the RFE~~so as~~ to prevent water from entering or accumulating within the components during conditions of Flooding.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-060; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-05-010; Ord. No. 671, Rep&ReEn, 09/28/06; Ord. No. 889, Amended, 05/13/21; Ord. No. 2026-984, Amended, 10/08/26)