

Title III

**BUILDING AND FIRE
REGULATIONS**

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HISTORY:

CHAPTER 1 (*Ord. 502, 6-18-64*) adopted the state Uniform Building Code, it was repealed by ordinance 776, eff. 9-12-97; a new Chapter 1, the Vale Residential Maintenance Code, was adopted by ordinance 796, eff. 4-9-99; CHAPTER 2 (*Ord. 607, 11-7-78*), adopted the Uniform Plumbing Code; a new Chapter 2, the Vale Water Use Curtailment, was adopted by ordinance 795, eff. 2-9-99. CHAPTER 5 (*Ord. 607, 11-7-78*), adopted the Uniform Electrical Code. The "Fire Limits" (CHAPTER 6) results from an old trade-off that allowed downtown buildings to be built to the property line provided they were built of fireproof materials; only the legal description of the area affected survives in the Code.

Chapter 1

VALE RESIDENTIAL MAINTENANCE CODE

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3.1.1 TITLE:

This Chapter shall be known as the Vale Residential Maintenance Code, which may be cited as such, and will be referred to herein as “this Code”.

3.1.2 PURPOSE:

The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings.

3.1.3 DEFINITIONS:

For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this Code. Words used in the singular include the plural and plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

APARTMENT: Apartment shall mean a dwelling unit as defined in this Code.

APARTMENT HOUSE: Apartment house is any building, or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units.

APPROVED: Approved as to materials and types of construction, refers to approval by the Building Inspector as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

BOARDING HOUSE: Boarding house is a lodging house in which meals are provided.

BUILDING: Building is any building or structure, or portion thereof which is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof.

BUILDING, EXISTING: Existing building is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

BUILDING INSPECTOR: Building Inspector shall mean the Public Works Supervisor or such other person designated by the City Manager to be charged with the administration and enforcement of this Code, or his regularly authorized representatives.

CELLAR: Cellar means that portion of a building, the ceiling of which is entirely below grade or less than four feet six inches (4'6") above grade.

DWELLING: Dwelling is any building or any portion thereof, which is not an apartment house, a lodging house, or a hotel as defined in this Code, which may contain not more than two (2) dwelling units or guest rooms, used, intended or designed to be used, or occupied for living purposes.

DWELLING UNIT: Dwelling unit is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

EXIT: An exit, as referred to in this Code, shall be a way of departure from the interior of a building. It may comprise vertical and horizontal means of travel such as doorways, stairways, escalators, ramps, corridors, passageways and fire escapes, including all elements necessary for the purpose of emergency escape from the building or structures. An exit begins at any doorway or other point of access to an exit from which occupants may proceed to a public way.

EXTERMINATION: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

GUEST: Guest is any person hiring and occupying a room for living or sleeping purposes, exclusive of any member of a family occupying a dwelling unit.

GUEST ROOM: Guest room is any room or rooms used, or intended to be used by a guest for sleeping purposes.

HABITABLE ROOM: Habitable room means a room occupied by one or more persons for living, eating or sleeping purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.

HOTEL: Hotel is any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

INFESTATION: The presence, within or contiguous to a dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.

KITCHEN: Kitchen shall mean a room used or designed to be used for the preparation of food.

LODGING HOUSE: Lodging house is any building or portion thereof, containing not more than five (5) guest rooms, which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise.

NUISANCE: The following shall be defined as nuisances:

- (A) Any public nuisance known at common law or in equity jurisprudence.
- (B) Any attractive nuisance which may prove detrimental to children whether in a building, or the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.
- (C) Whatever is dangerous to human life or is detrimental to health.
- (D) Any condition dangerous to health, safety or morals as defined in ordinances of the City.

OWNER: Owner as herein used shall include the owner or owners of the freehold of the premises or any lesser estate therein, a mortgagee or vendee in possession, an assignee for rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

PASSAGEWAY: Means of egress connecting a required exit with a public way.

PERSON: Person is a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

ROOMING HOUSE: See "lodging house".

SERVICE ROOM: Service room shall mean any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms.

STREET: Street is any thoroughfare or public space not less than sixteen feet (16') in width which has been dedicated or deeded to the public for public use.

STRUCTURE: Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBSTANDARD BUILDING: Any dwelling or dwelling unit in which there exists any conditions less than required by this Code to a degree that endangers the life, limb, health, property, safety or welfare of the public or the occupants. (*Ord. 832, 3-11-2003*)

3.1.4 APPLICATION, ALTERATION:

- (A) *Application.* The provisions of this Code shall apply to all buildings or portions thereof, used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued, except such structures as are found to be substandard as defined in this Code.

Where any building or portion thereof, is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

- (B) *Alteration.* Existing buildings which are altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with applicable ordinances of the City.

3.1.5 BUILDING INSPECTOR, INSPECTION OF PREMISES:

- (A) *Authority.* The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of this Code.
- (B) *Inspections.* The Building Inspector charged with the enforcement of this Code may make inspections of properties and premises within the corporate limits of the City to determine whether there is compliance with the provisions of this Code. It shall be the duty of such person to make such inspections upon the receipt of complaints or specific or general information indicating the existence of violations or noncompliance with these Code provisions. In the event that any authorized officer or employee charged with the enforcement of this Code shall be denied access to any property or premises for the purpose of making an inspection provided for in this Chapter, then, except as otherwise provided for in this Chapter, such officer or employee shall not inspect such premises unless and until he shall have obtained a search warrant for the inspection of such premises from the municipal court or other court authorized to issue warrants in such cases.
- (C) *Search Warrants.* No search warrant shall be issued under the terms of this Chapter for the inspection of any property or premises within the corporate limits of the City unless and until there shall have been filed with the court an affidavit showing probable cause for such inspection, by stating the purpose and extent of the proposed inspection, the ordinance or ordinances which form the basis for such inspection, whether it is a routine or periodic inspection or an inspection instituted by complaint or other specific or general information concerning the property or premises or the area in which it is situated. The search warrant issued by the court shall specify the purpose and extent of the inspection which is proposed to be made and the specific property or premises covered by such warrant.
- (D) *Emergency.* When property or premises exhibit outward manifestations of hazardous and dangerous conditions or when there is other reliable information from which it appears reasonably probable that immediate action is required to protect the safety of persons or property, than an emergency shall be deemed to exist and officers or employees of the City shall have the right to make inspection of the property and premises without the consent of the owner, occupant or other persons in charge of such property or premises and without a search warrant.
- (E) *Penalty.* It shall be unlawful for any person to hinder, delay or otherwise obstruct the inspection of property or premises when such inspection is authorized by a warrant or emergency as provided in the terms of this Chapter; and upon conviction of violation of any of the terms of this Chapter such person shall be subject to a fine not to exceed \$500. (*Ord. 851, 8-8-2006*)

3.1.6 DWELLING UNIT REGULATIONS AND STANDARDS:

- (A) *Sanitation and Health:*
1. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a water closet and a lavatory in good working condition. Every dwelling unit shall contain within a room which affords privacy to a person within said room, a bathtub or shower in good working condition. Every dwelling unit shall contain a kitchen sink.
 2. Where private water closets, lavatories and baths are not provided for guest rooms, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional ten (10) guests, or fractional number thereof, In excess of ten (10). Urinals may be substituted for one-half ($\frac{1}{2}$) of the required water closets for male guests. Such facilities shall be clearly marked for "MEN" or "WOMEN".

3. All plumbing fixtures shall be connected to a sanitary sewer or an approved private sewage disposal system. All required plumbing fixtures shall be connected to the municipal water supply or a potable private system and shall contain required backflow devices.
4. No room used for the preparation of food shall house a water closet and no room housing a water closet shall open directly into a room used for the preparation of food unless there is a door.

(B) *Structural Requirements:*

1. Buildings or structures may be of construction which conformed with all applicable laws at the time of their construction and have been adequately maintained. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces to which they are subjected or may be anticipated due to natural causes.
2. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.
3. Buildings or structures having elements in contact with the ground which are deteriorated due to corrosion, decay or insect damage shall have such elements removed or replaced with materials which will resist such corrosion, decay or insect damage.

(C) *Heating.* Every dwelling unit and guest room shall be provided with heating facilities. Such facilities shall be installed and maintained in a safe condition. No unvented heater shall be permitted.

(D) *Electrical Equipment.* All electrical equipment, wiring, or appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment and materials shall be of an approved type which complied with applicable laws at the time of installation.

Every habitable room shall contain at least two (2) supplied electrical convenience outlets or one such convenience outlet and one electric light fixture when electrical power is available.

(E) *Exits.* Every dwelling unit or guest room shall have safe, approved unobstructed means of exit with access directly to the outside at ground level or to a public corridor. All buildings or portions thereof shall be provided with exits maintained in a safe and usable condition.

3.1.7 RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

(A) *Public Areas.* Every owner of an apartment house, lodging house or hotel shall be responsible for maintaining in a sanitary condition the shared or public areas of the building and premises thereof.

(B) *Sanitation.* Every occupant of a dwelling unit shall keep in a sanitary condition that part of the dwelling unit and premises thereof which he occupies and controls. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. The owner of every lodging house, hotel or dormitory shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and for the maintenance of a sanitary condition in every other part thereof; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is under his control.

(C) *Rubbish and Garbage.* Every occupant of a dwelling unit shall dispose of all his rubbish, garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner

by placing it in approved disposal facilities or containers. It shall be the responsibility of the owner to supply or cause to be supplied garbage-rubbish disposal facilities or containers for all apartment houses, lodging houses and hotels.

- (D) *Extermination.* Every occupant of a building containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by a failure of the owner to maintain a building in a ratproof or reasonable insectproof condition, extermination shall be the responsibility of the owner or operator.
- (E) *Maintenance of Buildings and Premises.* Every owner of a building, either occupied or vacant, shall be responsible for maintaining the building in good repair and free of refuse, debris, and rubbish. (Ord. 851, 8-8-2006)

3.1.8 ENFORCEMENT:

- (A) *Notice to Owner.* The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this Chapter, the Building Inspector' shall give to the owner of such building or structure written notice stating the defects thereof.
- (1) This notice may require the owner or person in charge of the building or premises, within thirty (30) days, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the Building Inspector. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Inspector.
 - (2) Proper service of such notice shall be by personal service upon the owner of record, if he shall be found within the City limits. If he is not found within the City limits, such service may be made upon said owner by registered mail; provided, that if such notice is by registered mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date he receives such notice.
- (B) *Right to Demolish.* In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this Code and may order the Building Inspector to proceed with the work specified in such notice. A statement of the cost of such work-shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special assessment against the property.
- (C) *Costs.* Costs incurred under subsection (B) shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments.

3.1.9 PROCEDURE UPON DETERMINATION OF SUBSTANDARD BUILDING:

- (A) *General.* Whenever the Building Inspector determines by inspection that any existing building or portion thereof is substandard, he shall order the building or portion thereof vacated and shall institute proceedings to effect the repair or rehabilitation of the building or portion thereof. If

such repair or rehabilitation is impractical, he shall then order such building or portion thereof removed or demolished. The owner or other person affected shall then have the right to appeal to the City Council.

- (B) *Notice to Owner.* The Building Inspector shall give notice to the owner or other responsible person in accordance with the procedure specified in Section 3.1.8(A) of this Chapter.
- (C) *Appeals.* Any person who feels that an injustice has been done him by any order or ruling of the Building Inspector may appeal therefrom to the City Council by filing a written notice of his appeal with the Building Inspector within ten (10) days after receipt of the order or ruling to which he makes exception. The decisions of the Council shall be limited to the interpretation of the provisions of this Code. It shall adopt rules of procedure for matters coming before it and its decisions shall be made in writing, one copy thereof to be filed with the Building Inspector and one copy to be delivered to the appellant. The decisions of the Council shall be conclusive except in case of mistake or fraud.

3.1.10 CIRCUIT COURT APPEAL:

Whenever any person is convicted in the Municipal Court, such person shall have the right of appeal to the Circuit Court of Malheur County. The appeal shall be taken in the manner provided by law.

3.1.11 STANDARDS FOR REPAIR, VACATION OR DEMOLITION:

The following standards shall be followed in substance by the Building Inspector and the City Council in ordering repair, rehabilitation, vacation, demolition or removal of a substandard building:

- (A) If the substandard building can be reasonably repaired or rehabilitated so that it can comply with the requirements of the Code, it shall be ordered repaired or rehabilitated by the Building Inspector or City Council; provided, that the failure to comply with a final order of the Building Inspector or City Council shall authorize the Building Inspector to order the building vacated and closed.
- (B) If the substandard building is in such condition as to make it imminently dangerous to health, safety, or general welfare of its occupants or the public, it shall be ordered to be vacated and closed in accordance with ordinances of the City.
- (C) If the substandard building cannot be repaired or rehabilitated so it can comply with the requirements of this Code, it shall be demolished. (*Ord. 796, 4-9-99*)

Chapter 2

WATER USE CURTAILMENT

Sections

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3.2.1 TRIGGERING EVENTS FOR WATER USE CURTAILMENT.

This water use curtailment ordinance shall be enforced when water use demand within the City exceeds 90% of the system capacity, or when the water levels in City wells decline at a rate which the City officials reasonably determine is abnormal.

3.2.2 VOLUNTARY WATER USE CURTAILMENT.

Prior to enforcing mandatory curtailment of water consumption, as provided in Sections 3.2.3 and 3.2.4, the City shall

- (a) Identify the percentage of voluntary reduction that is required to avoid a shortfall and request that the citizens voluntarily curtail usage by this percentage.
- (b) Disseminate this information regarding voluntary reduction through means reasonably calculated to reach the general public, such as through news media, posters and notices included in utility bills.

3.2.3 MANDATORY FIRST LEVEL CURTAILMENT.

If the voluntary reduction program in Section 3.2.2 is unsuccessful, the City Manager will implement a First Level Curtailment Plan as follows

- (a) The following non-essential residential uses of water will be prohibited:
 - (i) Use of water to wash vehicles.
 - (ii) Use of water to wash down exterior surfaces of dwellings and outbuildings (except for use of water drawn from the City's Railroad well).

- (iii) Use of water to fill, refill or add to any private swimming pool or jacuzzi pool.
- (iv) Use of water in a fountain or pond for aesthetic purposes.
- (b) The following non-essential commercial, institutional or industrial uses of water will be prohibited:
 - (i) Use of water to serve a customer in a restaurant unless requested by customer.
 - (ii) Use of water in scenic pools, ponds or fountains.
 - (iii) Use of water in fire hydrants for any purpose other than fire fighting.
 - (iv) Use of irrigation water for parks, schools, community food gardens, recreation or memorial type facilities in excess of 75% of the normal historic amount consumed.
 - (v) Use of domestic water for schools, nursery facilities, restaurants, shopping centers, gasoline service stations, health swim clubs and all other commercial uses in excess of 90% of the normal historic amount consumed.
 - (vi) The use of water for manufacturing, food processing, cooling or cleaning of equipment in excess of 90% of the normal historic amount consumed.
 - (vii) The use of water for agricultural irrigation in excess of 75% of the normal historic amount consumed.
 - (viii) Use of water for dust control (unless drawn from the City's Railroad well).
- (c) The running of water in gutters and drains will be prohibited. (*Ord. 832, 3-11-2003*)

3.2.4 MANDATORY SECOND LEVEL CURTAILMENT.

If the First Level Curtailment Plan is unsuccessful, the City Manager shall implement a Second Level Curtailment Plan, under which the usage allotment for all residential uses of City water shall be limited to the following maximum quantities during any twenty four hour period:

one permanent resident	80 gallons
two permanent residents	110 gallons
three permanent residents	140 gallons
each additional permanent resident	30 gallons
Multi-residential units	130 gallons per unit

(*Ord. 832, 3-11-2003*)

3.2.5 PENALTIES.

- a) Any person who fails to comply with the provisions of the Mandatory First Level Curtailment Plan as set forth in Section 3.2.3 or the Mandatory Second Level Curtailment Plan as set forth in Section 3.2.4 shall be subject to a fine of \$100. Any person who engages in a second violation within six months of the first violation shall be subject to a fine of \$250. Any person who engages in a three or more violations within three years of the first violation shall be subject to a fine of \$500.
- b) An owner of premises shall be responsible for any violations occurring on the premises, whether or not the owner is a resident of the premises. In charging an owner with a violation, the City shall not be required to provide proof of which particular resident of the premises committed a violation so long as the violation occurred on the premises. (*Ord. 795 2-9-99, amended by Ord. 801, 6-22-99*)

Chapter 3

NUMBERING OF BUILDINGS

Sections

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3.3.1 NUMBERING SYSTEM ESTABLISHED:

There shall be and hereby is established a numbering system for all houses, stores, structures and buildings other than temporary sheds and out buildings erected or hereafter to be erected within the Limits of the City, and the owners of the structures are required to number the same in the manner provided In this Chapter.

3.3.2 BASE LINE

The base line or street for starting said numbering system, shall be A Street for all streets running northerly and southerly, and the base line or street for all streets running easterly or westerly shall be Main Street.

3.3.3 NUMBERING OF BUILDINGS; MAP

Commencing with the number 101 and extending northerly and southerly from A Street and extending easterly and westerly from Main Street, there shall be assigned a number to each structure as defined in Section one (1) hereof, located in the City; one (1) number for each twelve and one-half foot (12.5') frontage beginning with the number one hundred and one (101) at the base line and not exceeding the number one hundred and ninety-nine (199) at the end of the first block either north or south or east or west. Number two hundred and one (201) at the beginning and not to exceed two hundred and ninety-nine (299) at the end of the second block and continuing In such manner in numbering all of the succeeding blocks and streets in the City.

The even numbers shall be assigned to the northerly side of the streets running east and west and on the easterly sides of streets running northerly and southerly and the odd numbers on the opposite sides of such streets. Provided, however, that in the event of streets not longer than one (1) block in length intersect on one (1) side only another street or avenue, such street shall be disregarded in the assigning of numbers on the intersected street or avenue and the numbering shall run consecutively to the next regularity intersecting street or avenue.

A map of the City and the numbering system herein provided for shall be maintained on file in the office of the Manager entitled "Official Building Numbering Map of the City of Vale, Oregon", and shall be made available for the uses of any property owner for the purpose of ascertaining proper number to be assigned to his property when the number of such property is not known to him.

In the event of any question arising as to the proper number to be assigned to any lot or structure, the matter shall be referred to the Manager and from the provisions of this Chapter and the official map, the Manager shall determine the number to be assigned to the same. (*Ord. 832, 3-11-2003*)

3.3.4 NUMBERING FEE

All numbers herein provided for shall be placed on the structure by a representative of the City under the direction of the Council and a charge of one dollar (\$1.00) shall be made to the owner or occupant of any such structure to which numbers are attached, which said charge shall include the cost of the numbers.

All persons or owners having custody of any of such structures to which the numbers assigned shall have been attached or affixed by the City, shall make payment of the charge of one dollar (\$1.00) within three (3) days of the date such numbers shall have been attached or affixed, and in the event of the failure to make such payment within such time, the charge of one dollar (\$1.00) together with the expense of preparing the lien, which expense shall not exceed five dollars (\$5.00), shall constitute a lien upon the property involved and shall be assessed and collected in the manner that other City liens are assessed and collected.

3.3.5 SIZE OF NUMBERS

All such numbers shall be not less than three inches (3") in height and shall be so placed on the structure as to enable them to be readily seen from the street.

3.3.6 COMPLIANCE WITH CHAPTER REQUIRED

Any owner of any building now erected or hereafter to be erected within the City, or any person having control thereof, who shall refuse or neglect to comply with the terms of this Chapter, and any person who shall take down, alter, or deface any number that has been assigned and put in place on said property either by the owner or by the City, and any person who shall attach or display upon a building an improper number or one different from that properly assignable to said structure, or who shall place the numbers on such structure in such a manner and such a place that the same cannot be readily seen from the street, shall be deemed guilty of a misdemeanor. (*Ord. 232, 4-13-50 as amended by Ord. 440, 8-17-62*)

Chapter 4

SIGN CODE

Sections

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3.4.1 ADOPTION OF UNIFORM SIGN CODE

A certain document, three (3) copies of which are now on file in the offices of the City, being marked and designated as the "Uniform Sign Code" the 1997 Edition, copyrighted by the International Conference of Building Officials, be and the same is hereby adopted as the Sign Code of the City and made a part hereof as fully as though set out at length herein. *(1963 Code, amended by Ord. 800, 6-8-99)*

3.4.2 PERMITS REQUIRED

Prior to the installation or erection of a sign within the city limits of the City of Vale, the owner shall obtain from the City Manager a permit, using an application form provided by the City to ensure compliance with the Sign Code. The City Coordinator or his designee shall inspect the sign after installation to insure compliance with the City Code requirements. The charges for obtaining the permit and subsequent inspection shall be \$25. From time to time the City Council may amend said charge by resolution. *(Ord. 803, 7-27-99, amended by Ord. 832, 3-11-2003)*

Chapter 5

*[Repealed by Ord. 776, 8-12-97, eff.
9-12-97]*

Chapter 6

FIRE LIMITS

Sections

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3.6.1 FIRE LIMITS

Commencing at the center of A street at the eastern boundary of the City: thence North along the boundary line to the center of Washington street thence west along the center of Washington street to the intersection of Washington and Smith Streets; thence south along Smith street to a point opposite the South line of lot 4, Block 6, Altshul Addition to the City of Vale; thence due east to the center of Cottage Street; thence South along the center of Cottage Street to the center of the intersection of A and Cottage Streets; thence west along the center of A Street to the center of the intersection of A and Smith Streets; thence South along the center of Smith Street to a point opposite the South boundary line of Lot 4, Block 6, Haleys *[sic]* Addition to the City of Vale; thence due East to the center of Block 11, Original Townsite of Vale; thence South along the center of the alley to the center of B Street; thence East to the center of the intersection of B and Bryant Street; thence South to the intersection of Bryant and C Streets; thence East along the center line of C Street to the intersection of C and Longfellow Streets; Thence North along the center line of Longfellow Street to the center of the intersection of B and Longfellow Streets; thence East along the center line of B Street to the Eastern boundary line of the City of Vale; thence in a Northeasterly direction following the boundary line of the City of Vale to the place of beginning, the same comprising and including within the boundary –

- the North Half of Block 10, the North Half and Southeast Quarter of Block 11, All of Block 17, 18, 19, 20, 23, 24, 25, 32, 33 and 36, all in the Original Townsite of Vale,
- Blocks 21 to 29, inclusive, Eldredge Addition to the City of Vale, Blocks 21 to 29, inclusive, Eldredge Addition to the City of Vale *[sic]*,
- the North Half of Block 1 and the North Half of Block 6 Altshul Addition to the City of Vale,
- the North Half of Block 6, Hadley’s Addition to the City of Vale,
- the North Half of Block 1, Rinehart’s Addition to the City of Vale, and
- the North Half of Block 1, Original Townsite of Vale, all according to the maps and plats thereof on file in the Office of the County Clerk of Malheur County, Oregon, be and the same hereby is set aside and apart and designated and declared to be and is established as the fire limits of the City of Vale—*provided however*, that in the Southeast Quarter of Block 25 and Blocks 32, 33 and 36 all of the Original Townsite, and Blocks 21, 22 and 23 of Eldredge Addition to the City of Vale, construction of a type generally known as stucco with metal lath will be deemed a compliance with the conditions of this Chapter. (*Ord. 423; 6-9-55*)

Chapter 7

FIRE PREVENTION CODE

Sections

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3.7.1 ADOPTION OF FIRE PREVENTION CODE

For the purpose of regulating and governing conditions hazardous to life and property from fire, the Fire Prevention Code, 1962 Edition, as recommended by the National Board of Fire Underwriters, is hereby adopted. The Fire Prevention Code, three (3) copies of which shall be on file at all times in the office of the Manager, shall be made a part of this Code as if set out at length herein. *(1963 Code; amended by Ord. 832, 3-11-2003)*

3.7.2 PERMIT; FEE

No building, structure, superstructure, or erection of any kind whatsoever shall at any time be moved into or removed within the Fire Limits, and no building, structure, superstructure, erection, or addition to any building, structure, superstructure, or erection shall be constructed, erected, or added to within the Fire Limits without the owner or builder thereof having first filed in the office of the Manager a copy of the plans and specifications of such building, structure, superstructure, erection, or addition showing that the same complies with the provisions of this Chapter. The Manager, upon such showing being made and upon payment of one dollar (\$1.00) license fee, shall thereupon issue, to owner or builder or contractor, a permit for construction or erection or addition or moving of such building, structure, superstructure, erection, or addition, as the case may be, which the permit shall be signed by the Manager and sealed with the Corporate Seal. *(Ord. 187, 11-18-38; amended by Ord. 440, 8-17-62; amended by Ord. 832, 3-11-2003)*

Chapter 8

EXPLOSIVES

Sections

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3.8.1 EXPLOSIVES PROHIBITED

It shall be unlawful for any person to make, keep or transport any gunpowder, nitroglycerin or other highly explosive substance within the limits of the City.

3.8.2 EXCEPTION PERMITTED

A vehicle carrying explosives may be permitted on the streets of the City only if a special written permit has first been obtained from the Chief of Police; such permit shall specify the exact route to be used by said vehicle and may permit the vehicle to be parked at a certain specified place for a certain specified amount of time. Each such permit shall be valid only for the one specified use. *(1963 Code)*

Chapter 9

UTILITIES, ZONING PERMITS

Sections

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3.9.1 SHORT TITLE

This Chapter shall be known as the "City of Vale Utilities Ordinance" and may be so cited and pleaded.

3.9.2 SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any section, paragraph, sentence, clause or phrase of this Chapter is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Chapter.

3.9.3 DEFINITIONS

- (A) *BUILDING*: A structure built for the support, shelter, enclosure of persons, animals, chattels or property of any kind.
- (B) *CITY COUNCIL*: The members of the City Council for Vale, Oregon.
- (C) *UTILITY*: Any public or private corporation or company which supplies the public or a group of individuals with electrical power.
- (D) *SERVICE*: Providing or attaching to any newly constructed building or newly placed mobile home or prefabricated building the initial line, hookup or metering device to provide electricity.
- (E) *ZONING PERMIT*: A zoning permit issued subject to the regulations as described in Title VIII of the City Code of the City of Vale, known as the "Zoning Title" for the City of Vale.

3.9.4 PROVIDING SERVICES WITHOUT A ZONING PERMIT PROHIBITED

No utility shall provide any service to any newly constructed building or newly placed mobile home or prefabricated building within the City limits of the City of Vale until such utility has been furnished with a copy of the zoning permit which has been issued for such newly constructed building.

3.9.5 ISSUANCE OF COPIES

When a zoning permit is issued pursuant to the City Zoning Title, the issuer shall furnish to the successful applicant copies in an amount sufficient for said applicant to provide the utility with a copy.

3.9.6 PROCEDURE ON VIOLATION

The procedure on violation of this Chapter shall be that procedure set out in the City Zoning Title, said remedies shall not exclude any other remedies herein or otherwise provided.

3.9.7 PENALTIES

Each violation of this Chapter shall be punishable as provided in ORS Chapter 227 and the City of Vale Zoning Title. (*Ord. 636, 7-13-82*)

Chapter 10

FLOOD DAMAGE PREVENTION

Sections

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3.10.1 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 in specific areas.

3.10.2 DEFINITIONS

Unless specifically defined below, the 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.

AREA OF SHALLOW FLOODING: A designated AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet (1' to 3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent (1 %) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

BASE FLOOD: The flood having a one percent (1 %) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

DEVELOPMENT: 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: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters; and/or
- (B) The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

FLOODWAY: 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 (1').

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 nonelevation design requirements of this Chapter found at Section 3.10.14(a)2.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK or SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of 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 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 or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE: A walled and roofed building including a gas or liquid storage tank that is principally above the ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (A) Before the improvement or repair is started, or
- (B) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (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: A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

3.10.3 LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

3.10.4 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a specific and engineering report entitled "The Flood Insurance Study for the City of Vale", effective September, 1987, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file at City Hall, 252 B Street West, Vale, Oregon.

3.10.5 ABROGATION AND GREATER RESTRICTIONS

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

3.10.6 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 governing body; and,
- (C) Deemed neither to limit nor repeal any other powers granted under State statutes.

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

3.10.8 ESTABLISHMENT OF DEVELOPMENT PERMIT

- (A) *Development Permit Required:* A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.10.4. The permit shall be for all structures, including manufactured homes, as set forth in Section 3.10.2, and for all development including fill and other activities, as set forth in Section 3.10.2.
- (B) *Application for Development Permit:* Application for a development permit shall be made on forms furnished by the City Manager 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. (*Ord. 832, 3-11-2003*)

3.10.9 DESIGNATION OF THE PLANNING COMMISSION

The Planning Commission is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

3.10.10 DUTIES AND RESPONSIBILITIES OF THE PLANNING COMMISSION

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

- (A) *Permit Review:*
- (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 those Federal, State, or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 3.10.15(A) are met.
- (B) *Use of Other Flood Base Data:* When base flood elevation data has not been provided in accordance with Section 3.10.4, *Basis for Establishing the Areas of Special Flood Hazard*, the Planning Commission obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 3.10.14, *Specific Standards*, and 3.10.15, *Floodways*.
- (C) *Information to be Obtained and Maintained:*

- (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 3.10.10(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed structures, verify and record the actual elevation (in relation to mean sea level).
 - (3) Maintain for public inspection all records pertaining to the provisions of this Chapter.
- (D) *Alteration of Watercourses:*
- (1) Notify adjacent communities and the Oregon Division of Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (E) *Interpretation of FIRM Boundaries:* Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

3.10.11 VARIANCE PROCEDURE

- (A) The City Council shall hear and decide requests for variances from the requirements of this Chapter.
- (B) 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:
- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) 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,
 - (11) 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.
- (C) Upon consideration of the factors of subsection (B) 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.
- (D) The City Manager shall maintain the records of all actions and report any variances to the Federal Insurance Administration upon request. (*Ord. 832, 3-11-2003*)

3.10.12 CONDITIONS FOR VARIANCES

- (A) Variances shall only be issued upon:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) 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 3.10.11(B), or conflict with existing local laws or ordinances.
- (B) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood evaluation and that the cost of flood insurance will commensurate with the increased risk resulting from the reduced lowest floor elevation.

3.10.13 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.
 - (2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Area" guidebook for additional techniques).
- (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) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (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 or 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 water; and,
 - (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; and
 - (4) Where base flood elevation data has not been provided or it is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).
- (E) *Review of Building Permits:* Where evaluation data is not available either through the Flood Insurance Study or from another authoritative source (subsection 3.10.10(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

3.10.14 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 Section 3.10.4, Basis for Establishing the Areas of Special Flood Hazard, or subsection 3.10.10(B), Use of Other Base Flood Data, 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 base flood elevation.
 - (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) 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.
 - (b) The bottom of all openings shall be no higher than one foot (1') above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (B) *Nonresidential Construction:* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- (3) Be certified by a registered professional engineer or architect that the designs and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on and/or review of the structural design, specifications and plans.
 - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space 3.10.14(A)2.
 - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot (1') below that level).
- (C) *Manufactured Homes:* All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 3.10.13(A)2.

3.10.15 FLOODWAYS

Located within areas of special flood hazard established in Section 3.10.4 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) If subsection (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 3.10.13 to 3.10.15.

3.10.16 *[Repealed by Ord. 776, 8-12-97, eff. 9-12-97]*

3.10.17 EMERGENCY:

The City Council declares that an emergency exists requiring that this Chapter be effective immediately in order to comply with the requirements of the Federal Emergency Management Agency. (*Ord. 687, 9-8-87*)

