

5:30 p.m. – Work Session

No motions or decisions will be considered during this session, which is open to the public.

6:00 p.m. – Council Meeting (Council Chambers)

A. Welcome & Roll Call

B. Pledge of Allegiance – Steve Hilton, Councilmember

C. Invocation – TBA, by invitation

D. Public Comment

(This is an opportunity to address the City Council regarding your concerns or ideas. No action will be taken during public comment. Please try to limit your comments to three minutes.)

E. Presentations and Reports

1. Mayor's Report
2. UDOT 5600 South Construction Update
3. City Administration Report
 - a. Department Reports September
 - b. October Anniversaries Employee Recognition
 - c. Staffing Authorization Plans
 - d. Community Development Report

F. Consent Items

1. Consideration to approve meeting minutes from:
October 3, 2023 Council Work Session
October 3, 2023 Council Meeting

G. Action Items

1. Consideration of Ordinance #973 approving updates to Title 10, Chapter 27 "Flood Damage Prevention" ordinance as found in the Riverdale City Code; requested by the Community Development Department and FEMA partners.
Presenter: Mike Eggett, Community Development
2. Discussion and possible action regarding Utah Military Academy proposal regarding school resource officer program.
Presenter: Casey Warren, Police Chief
3. Discussion concerning funding and adding one full-time fire position.
Presenter: Jared Sholly, Fire Chief
4. Consideration of Resolution #2023-30 supporting the display of the national motto at City Hall.
Presenter: Mayor Mitchell

5. Consideration to adjourn into a closed executive session pursuant to UCC 52-4-205(1)a to discuss the character, professional competence, or physical or mental health of an individual. (Roll call vote)

H. Comments

1. City Council
2. City Staff
3. Mayor

I. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 13th day of October 2023 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni
Riverdale City Recorder

****The City Council meeting on October 17, 2023 is viewable electronically and may be accessed by clicking on the link below. The regular City Council Chambers will be available for in-person participation. The agenda for the meeting is also attached above. ****

https://www.youtube.com/channel/UCegcYe-pIXSRZGd5llencvA/videos?view_as=subscriber

Minutes of the **Work Session** of the **Riverdale City Council** held Tuesday October 3, 2023, at 5:30 p.m., at the Civic Center in the Council Chambers, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council: Braden Mitchell, Mayor
Alan Arnold, Councilmember
Bart Stevens, Councilmember
Steve Hilton, Councilmember
Anne Hansen, Councilmember
Karina Merrill, Councilmember

City Employees: Steve Brooks, City Administrator/Attorney
Mike Eggett, Community Development Director
Shawn Douglas, Public Works Director
Jared Sholly, Fire Chief
Casey Warren, Police Chief
Michelle Marigoni, City Recorder

Excused:

Visitors: Chris Hupp Lance

The City Council Work Session meeting began at 5:30 p.m. Mayor Mitchell welcomed all in attendance and noted for the record that all Councilmembers were present. Members of the city staff were also present.

Public Comment:

Presentations and Reports:

1. **Mayor's Report**
2. **City Council Assignment Reports**

Consent Items

1. **Consideration to approve meeting minutes from:**
September 5, 2023 Council Work Session
September 5, 2023 Council Meeting

Mayor Mitchell asked if there were any changes or corrections to the minutes. The former police chief's name was not correct and will be corrected.

Action Items

1. **Consideration of Resolution #2023-27 renewing a contract with Robinson Waste for garbage and recycling services.**

Mr. Douglas explained Lance with Robinson was present and this was a renewal of a long-standing contract.

2. **Consideration of Resolution #2023-28 awarding a bid to Paragon Construction for the 2023 Water Line Improvement Project in an amount not to exceed \$642,882.00.**

Mr. Douglas explained this was due to a water leak under I-84 a few years ago. The improvement will be on the water line that goes under the freeway and under the river. A larger pipe with a thicker wall will be installed, which will be welded together and then pulled through the hole. Councilor Hansen asked about the large difference in the bids and if this company was confident in their work and if there would be large change orders. Mr. Douglas said they are confident in their numbers.

3. **Consideration of Resolution #2023-29 adopting the Intercounty Automatic Aid Fire Agreement**

Chief Sholly explained this was an update to the current agreement to include Washington Terrace, as their department has grown large enough to qualify.

4. **Consideration of Resolution #2023-30 for a Development Agreement for property located at approximately 4851 South 1500 West as requested by 6S T Development and Tesla.**

Mr. Brooks explained this is the agreement for water purchase and is nearly identical to the Shake Shack agreement.

5. **Consideration of Ordinance #972 regarding proposed Rezone Request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning and Multiple-Family Residential (R-4) Zoning to Regional Commercial (C-3) Zoning for property located at approximately 633 West 4400 South, Riverdale, Utah 84405, as requested by Wright Development Group.**

Mr. Eggett noted Logan Johnson would be present to represent H&H as well as Wright Development Group. The property would be an overflow parking lot for Ken Garff as part of a land swap for the corner property at 700 West and 4400 South for the new apartment development.

6. **Motion to un-table and consideration of Ordinance #970 approving proposed Riverdale City Comprehensive General Plan Update.**

Mr. Eggett reminded councilors that this was tabled at the last meeting. He noted there were three areas that were missing zoning designations, which have been added. There were two other minor changes to land use designations.

7. **Discussion and action regarding potential noise issue at Shake Shack as it pertains to Riverdale City Code Title 4, Chapter 8: Noise Abatement.**

Mr. Brooks said Shake Shack is getting close to opening, however they are unable to get a transformer for power until April 2024. They have requested to use a generator, but there is a noise issue with using a generator as there are apartment buildings behind the store. Mr. Arnold asked what the decibel level would be, Mr. Brooks reported it would be around 66 decibels. Mr. Douglas noted the generator would need to run 24/7. There may also be a fire code issue. Shake Shack was hoping to open in early November.

Councilor Hansen asked if the closed session could be done before this item. Mayor Mitchell did not have an issue with changing the order and there was a consensus reached.

8. **Motion to adjourn into a closed session pursuant to UCA 52-4-205(c) to discuss pending or reasonably imminent litigation.**

9. **Discussion and action to consider lawsuit settlement negotiations.**

Comments

1. City Council:
 - Councilor Arnold asked what Rocky Mountain Power was doing on 1500 West. The power lines were being moved to follow the lot boundaries for the America First campus.
 - The utility relocations were completed under Cozy Dale Drive while the road was closed. It will need to be closed again for paving.
 - Councilor Hansen asked if Cozy Dale's name was still going to be changed. Mr. Douglas said it has been changed to 1500 West. Ms. Hansen reminded everyone that there were other options suggested by Cami Ellis. Mr. Douglas suggested an exemplary/historical sign below the street sign would be preferred.
2. City Staff:
3. Mayor:

Adjournment

Having no further business to discuss, the Work Session was adjourned at 6:03 p.m.

Date Approved:

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, October 3, 2023, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present: City Council: Braden Mitchell, Mayor
Alan Arnold, Councilmember
Bart Stevens, Councilmember
Steve Hilton, Councilmember
Anne Hansen, Councilmember
Karina Merrill, Councilmember

City Employees: Steve Brooks, City Administrator/Attorney
Mike Eggett, Community Development Director
Shawn Douglas, Public Works Director
Jared Sholly, Fire Chief
Casey Warren, Police Chief
Michelle Marigoni, City Recorder

Excused:

Visitors:

A. Welcome & Roll Call

The City Council meeting began at 6:03 p.m. Mayor Mitchell called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public.

B. Pledge of Allegiance

Mayor Mitchell invited Casey Warren to lead the Pledge of Allegiance.

C. Invocation

Mayor Mitchell invited Alan Arnold to offer the invocation.

D. Public Comment

Mayor Mitchell invited any member of the public with questions or concerns to address the Council and asked that they keep their comments to approximately three minutes, noting no action will be taken during public comment.

E. Presentations and Reports

1. Mayor's Report:

- The Moderate Income Housing Report was approved.
- Sheriff Arbon has invited City Council to tour the jail ahead of the bond request for an expansion.
- The Veteran's Program will be on Friday November 10th will be the
- A Meet the Candidates open house will be held on October 18th from 6 to 8 pm at the Community Center.

2. City Council Assignment Reports

3. Staff Report

F. Consent Items

1. Consideration to approve the City Council meeting minutes from September 5, 2023 Work Session and Regular Meeting.

Mayor Mitchell invited any corrections or comments regarding the above referenced meeting minutes. There were none.

MOTION: Councilmember Arnold moved to approve the meeting minutes. Councilmember Merrill seconded the motion. There was not any discussion regarding this motion. The motion passed unanimously in favor, with Councilor Hansen abstaining due to not being present at the meeting.

G. Action Items

1. Consideration of Resolution #2023-27 renewing a contract with Robinson Waste for garbage and recycling services.

Mr. Douglas explained this was to bring the contract up to date and spoke about the large amount of work Robinson Waste handles for the city and the excellent quality of the work being performed. Mayor Mitchell said the spring and fall pick-up has been amazing and he has also been very happy with their service. Councilor Arnold thanked Robinson for their service and said it was an honor to renew the contract.

MOTION: Councilor Arnold moved to approve Resolution #2023-27 renewing a contract with Robinson Waste for garbage and recycling services.

SECOND: Councilor Hilton

ROLL CALL VOTE:

Councilor Arnold:	Yes
Councilor Hansen:	Yes
Councilor Hilton:	Yes
Councilor Merrill:	Yes
Councilor Stevens:	Yes

Motion passes unanimously.

2. Consideration of Resolution #2023-28 awarding a bid to Paragon Construction for the 2023 Water Line Improvement Project in an amount not to exceed \$642,882.00.

Mr. Douglas explained this was due to a water leak under I-84 a few years ago. The improvement will be on the water line that goes under the freeway and under the river. A larger pipe with a thicker wall will be installed, which will be welded together and then pulled through the drilled hole. The pipe should last at least 75 years.

MOTION: Councilor Arnold moved to approve Resolution #2023-28 awarding a bid to Paragon Construction for the 2023 Water Line Improvement Project in an amount not to exceed \$642,882.00.

SECOND: Councilor Hansen

ROLL CALL VOTE:

Councilor Merrill:	Yes
Councilor Arnold:	Yes
Councilor Stevens:	Yes
Councilor Hansen:	Yes
Councilor Hilton:	Yes

Motion passes unanimously.

3. Consideration of Resolution #2023-29 adopting the Intercounty Automatic Aid Fire Agreement

Chief Sholly explained this was an update to the current agreement to include Washington Terrace, as their department has grown large enough to qualify. Adding Washington Terrace will improve the service throughout the county.

MOTION: Councilor Arnold moved to approve Resolution #2023-29 adopting the Intercounty Automatic Aid Fire Agreement.

SECOND: Councilor Hilton

ROLL CALL VOTE:

Councilor Stevens:	Yes
Councilor Hansen:	Yes
Councilor Hilton:	Yes
Councilor Arnold:	Yes
Councilor Merrill:	Yes

Motion passes unanimously.

4. Consideration of Resolution #2023-30 for a Development Agreement for property located at approximately 4851 South 1500 West as requested by 6S T Development and Tesla.

Mr. Brooks explained this is the agreement for water purchase for new developments.

MOTION: Councilor Arnold moved to approve Resolution #2023-30 for a Development Agreement for property located at approximately 4851 South 1500 West as requested by 6S T Development and Tesla.

SECOND: Councilor Merrill

ROLL CALL VOTE:	Councilor Hilton:	Yes
	Councilor Merrill:	Yes
	Councilor Arnold:	Yes
	Councilor Stevens:	Yes
	Councilor Hansen:	Yes

Motion passes unanimously.

5. Consideration of Ordinance #972 regarding proposed Rezone Request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning and Multiple-Family Residential (R-4) Zoning to Regional Commercial (C-3) Zoning for property located at approximately 633 West 4400 South, Riverdale, Utah 84405, as requested by Wright Development Group.

Mr. Eggett noted Logan Johnson would be present to answer any questions. The property would be an overflow parking lot for Ken Garff as part of a land swap with H&H 39th Street for the corner property at 700 West and 4400 South for the new apartment development. The General Plan supports the rezone. A site plan enhancement would be completed to make the area look nicer. Also, having no building next to the river would reduce flood risk.

Councilor Hansen asked if the lot were to be sold later, being in a commercial area, if a building could be denied. Mr. Eggett explained it would be allowed to have a commercial building, but the flood plain may come into play in that situation.

Mr. Stevens felt there was not a need to change the zoning, as it had been used for this purpose for years. Mr. Eggett suggested if it were not changed to C-3, it should be changed to R-4 and to remove the RMH Mobile Home designation. Mr. Stevens said the other lot across the street was rezoned for an extension of Stoneybrook and then immediately sold and changed to apartments. Ms. Hansen asked if there was another zone that would work as a parking lot. Mr. Eggett explained that all zones allow parking, but there are no zones that would prohibit a building being there, unless it was a designated open space such as a park.

Logan Johnson addressed the council and explained that the corner being swapped for this lot is C-3 and they felt it would be best to keep it the same as Ken Garff's building. The plan is for lighting, drainage, and landscaping improvements for parking only, though a future owner may feel differently. The lot does not have good visibility, so it may not be ideal for other commercial use. Screened fencing would be required along the boundary of residential lots.

There was discussion about future possible uses of the space as riverfront property.

MOTION: Councilor Arnold moved to approve Ordinance #972 regarding proposed Rezone Request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning and Multiple-Family Residential (R-4) Zoning to Regional Commercial (C-3) Zoning for property located at approximately 633 West 4400 South, Riverdale, Utah 84405, as requested by Wright Development Group.

SECOND: Councilor Hilton

ROLL CALL VOTE:	Councilor Hansen:	Yes
	Councilor Merrill:	Yes
	Councilor Arnold:	Yes
	Councilor Hilton:	Yes
	Councilor Stevens:	No

Motion passes with 4 in favor and 1 opposed.

Mr. Brooks and Mayor Mitchell thanked Mr. Johnson and Chris Hatch for getting the trailer park and Carey's building demolished quickly.

6. Motion to un-table and consideration of Ordinance #970 approving proposed Riverdale City Comprehensive General Plan Update.

MOTION: Councilor Arnold moved to un-table Ordinance #970 for discussion.
SECOND: Councilor Hilton

Councilor Arnold: Yes
Councilor Stevens: Yes
Councilor Hansen: Yes
Councilor Merrill: Yes
Councilor Hilton: Yes

Motion passes unanimously, item open for discussion.

Mr. Eggett and Chris Hupp with Psomas presented the changes made to the General Plan, which added zoning to potential boundary adjustment areas. Mr. Eggett stated he felt the plan would take the city in a direction that reflects where it wants to go in the future. The residents are generally happy with Riverdale how it is, so the plan is to enhance the city and make it better.

Councilor Hansen asked if zoning could be changed during annexations and boundary adjustments. Mr. Eggett confirmed that it was possible, though the General Plan is usually followed.

MOTION: Councilor Arnold moved to approve Ordinance #970 approving proposed Riverdale City Comprehensive General Plan Update.
SECOND: Councilor Hilton

ROLL CALL VOTE:

Councilor Merrill: Yes
Councilor Hilton: Yes
Councilor Hansen: Yes
Councilor Stevens: Yes
Councilor Arnold: Yes

Motion passes unanimously.

7. Motion to adjourn into a closed session pursuant to UCA 52-4-205(c) to discuss pending or reasonably imminent litigation.

MOTION: Councilor Arnold moved to adjourn into a closed session.
SECOND: Councilor Merrill

ROLL CALL VOTE: Councilor Hilton: Yes
Councilor Stevens: Yes
Councilor Merrill: Yes
Councilor Arnold: Yes
Councilor Hansen: Yes

Motion passes unanimously. Closed session began at 6:46 pm.

Present: Mayor Mitchell, Councilors Arnold, Stevens, Hilton, Hansen and Merrill, Steve Brooks Shawn Douglas, Mike Eggett, Michelle Marigoni.

MOTION: Councilor Hansen moved to adjourn the closed session and reopen the meeting.
SECOND: Councilor Merrill

ROLL CALL VOTE: Councilor Hansen: Yes
Councilor Hilton: Yes
Councilor Arnold: Yes
Councilor Stevens: Yes
Councilor Merrill: Yes

Motion passes unanimously. Closed session ended at 7:24 pm.

8. Discussion and action regarding potential noise issue at Shake Shack as it pertains to Riverdale City Code Title 4, Chapter 8: Noise Abatement.

Mr. Brooks asked for a consensus to negotiate a resolution to the issue of Shake Shack not being able to obtain a transformer until April and

Ms. Hansen added that limitations would need to be in place for noise mitigation and continually working on getting problems resolved.

Mr. Arnold suggested tightening up the ordinance and specifying decibel levels. Mr. Brooks agreed.

Mayor Mitchell asked for a consensus. All were in favor.

9. Discussion and action to consider lawsuit settlement negotiations.

Mr. Brooks asked for authority to continue to negotiate settlement negotiations.

MOTION: Councilor Hansen moved to authorize Mr. Brooks to negotiate a resolution with the Shake Shack project.

SECOND: Councilor Merrill

Councilor Arnold:	Yes
Councilor Hansen:	Yes
Councilor Merrill:	Yes
Councilor Stevens:	Yes
Councilor Hilton:	Yes

H. Comments

City Council:

- Councilor Hansen reported the Fire Department open house was a great success and thanked Chief Sholly.
- Mr. Stevens spoke about recent firearm code updates. He asked that all ordinances needing an update continue to be brought before Council, even if the update is only to comply with state code. Mr. Arnold felt this should be done in a legislative update.

City Staff:

- October 16th 10:00 am Axio Auto ribbon cutting.
- October 19th Uptown Cheapskate grand opening and ribbon cutting. Time TBD.

There was light discussion about the 5600 South interchange project traffic pattern changes.

Mayor:

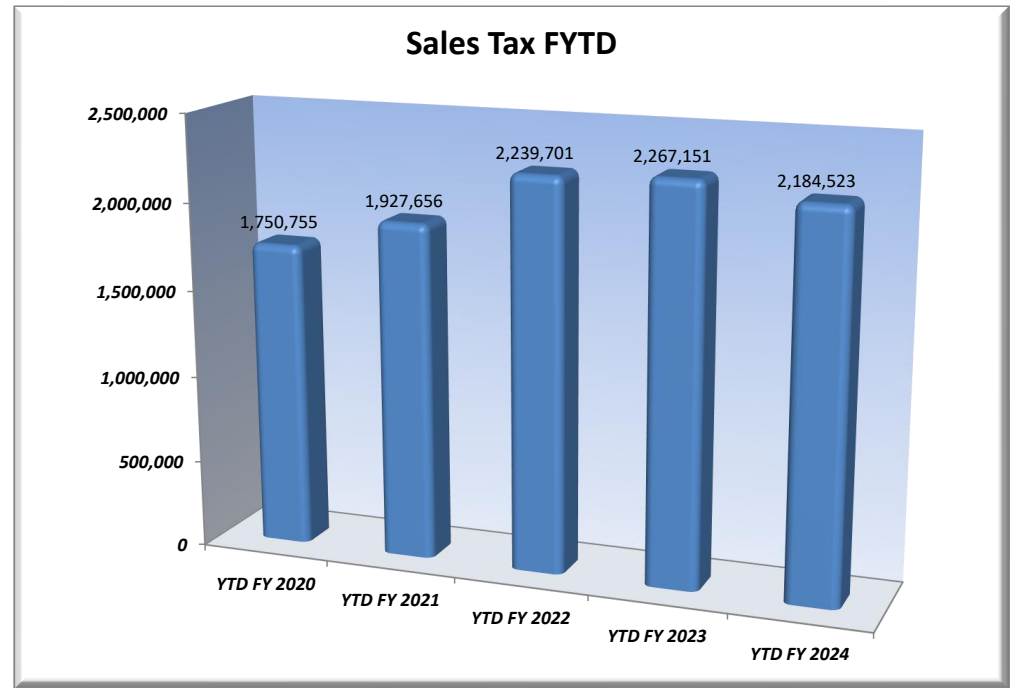
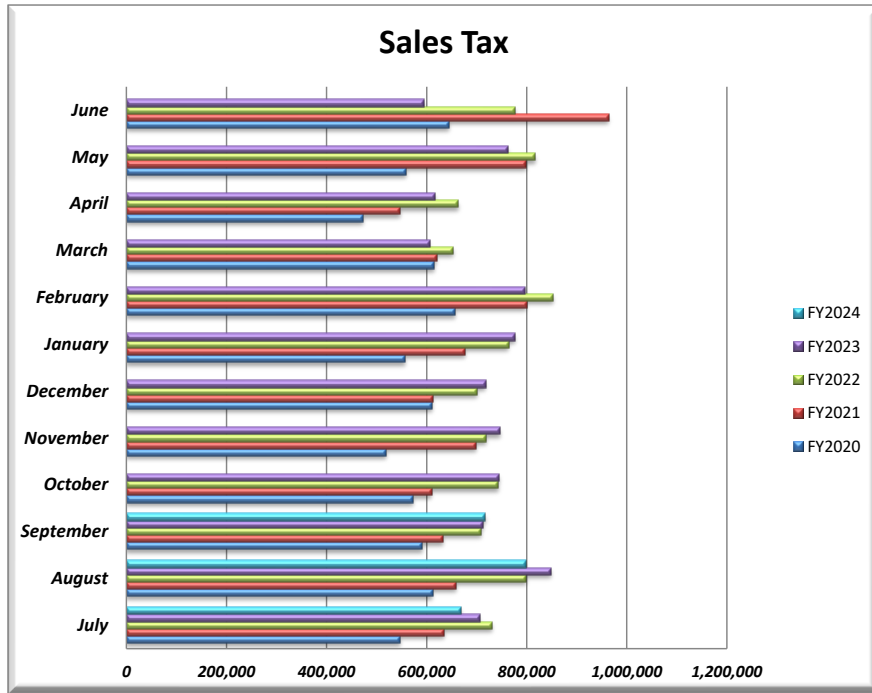
- Thanked Chief Sholly for the open house.
- Thanked Chief Warren for the PD checking on his house and notifying him the garage was left open.
- Wanted to pursue getting the national motto posted in the council chambers and asked for help getting it on an agenda.

I. Adjournment

MOTION: Having no further business to discuss, Councilmember Arnold moved to adjourn. The motion was seconded by Councilmember Hilton all voted in favor. The meeting was adjourned at 7:44 p.m.

Date Approved:

**RIVERDALE CITY
SALES TAX REPORT
AS OF SEPTEMBER 30, 2023**



Sales Tax	July	August	September	October	November	December	January	February	March	April	May	June	Totals
FY2020	546,902	612,157	591,696	573,327	519,064	610,719	556,867	657,308	615,264	472,239	559,456	644,897	6,959,896
FY2021	635,065	659,853	632,737	610,213	698,778	612,021	676,337	799,676	619,991	547,110	799,140	963,922	8,254,844
FY2022	731,834	799,292	708,575	743,276	718,470	701,211	763,681	853,569	653,055	663,354	816,853	777,539	8,930,709
FY2023	706,230	848,891	712,030	745,634	746,684	718,029	776,658	796,621	605,948	617,847	762,406	595,908	8,632,886
FY2024	668,597	798,228	717,698										2,184,523

Sales Tax FYTD	YTD FY 2020	YTD FY 2021	YTD FY 2022	YTD FY 2023	YTD FY 2024
	1,750,755	1,927,656	2,239,701	2,267,151	2,184,523

**RIVERDALE CITY
MONTHLY UTILITY REPORT
FOR MAYOR & CITY COUNCIL
SEPTEMBER 2023**

Water Fund

	Total Gallons Used (in thousands)	Total Billings	Total Customers Billed	Average Gallons used Per Customer (in thousands)	Average Bill Per Customer
Residential	53,041	\$ 106,373	2,184	24	\$ 48.71
Commercial	48,222	\$ 120,417	262	184	\$ 459.61

Sewer Fund

	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential	\$ 63,976	2,163	\$ 29.58
Commercial	\$ 53,112	231	\$ 229.92

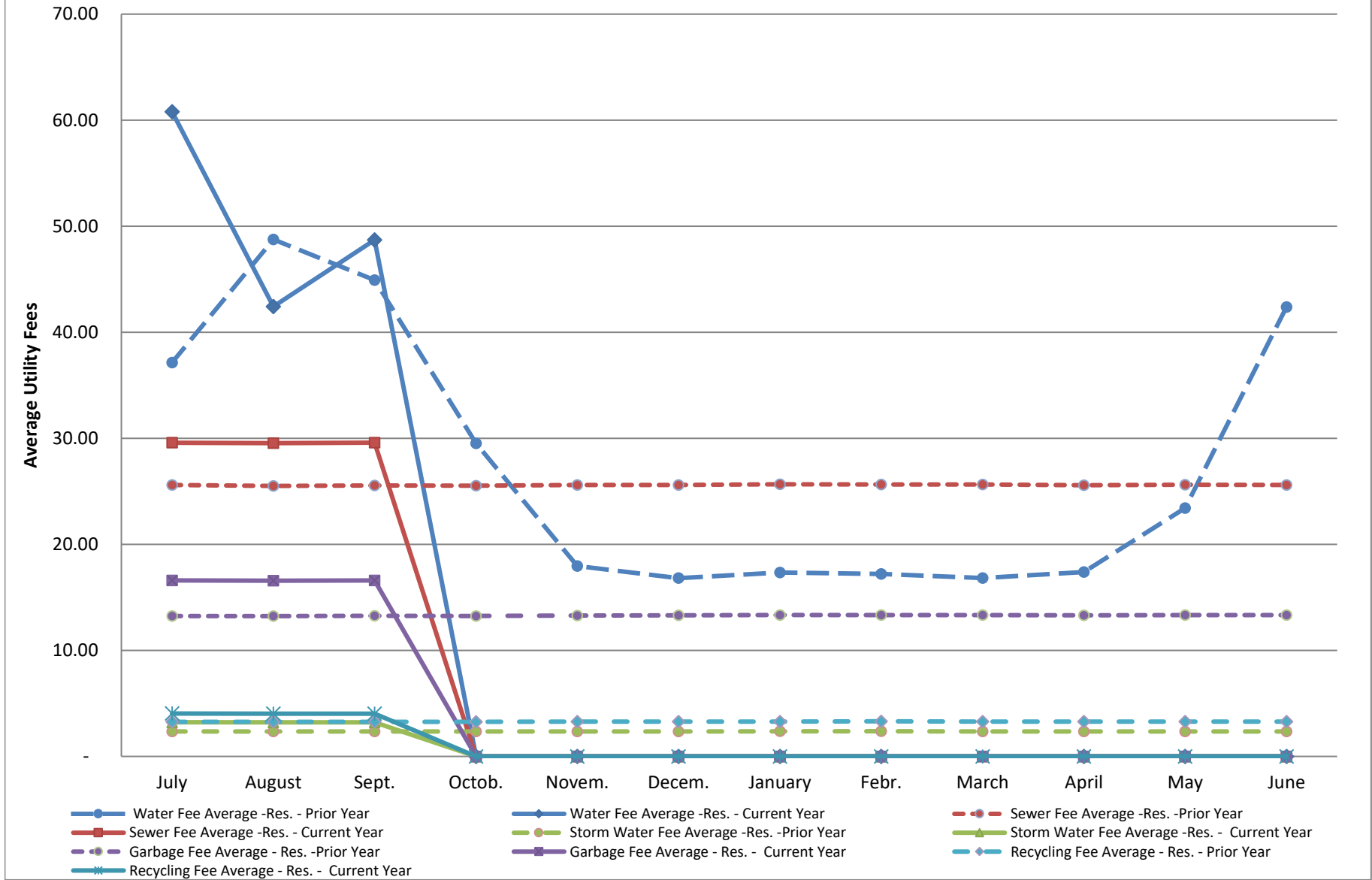
Storm Water Fund

	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential	\$ 7,029	2,180	\$ 3.22
Commercial	\$ 19,457	203	\$ 95.85

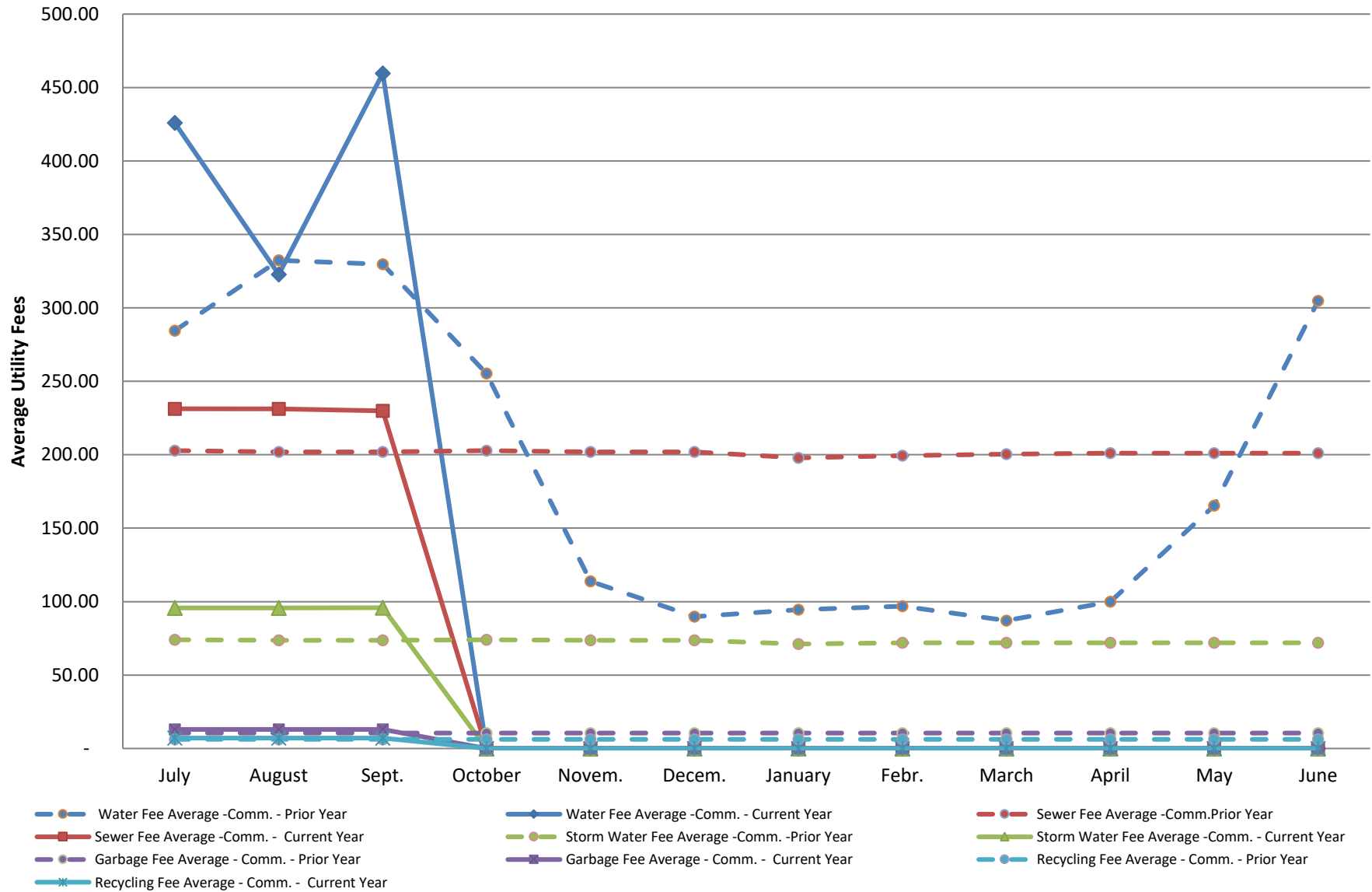
Garbage Fund

	Total Billings	Total Customers Billed	Average Bill Per Customer	
Residential - Garbage	\$ 35,684	2,150	\$ 16.60	*
Residential - Recycling	\$ 7,474	1,849	\$ 4.04	
Commercial - Garbage	\$ 26	2	\$ 12.98	*
Commercial - Recycling	\$ 21	3	\$ 7.10	

Residential Average User Fees
Fiscal Year 2023 & 2024



Commercial Average User Fees Fiscal Year 2023 & 2024



Business Administration:

Cody Cardon:

- Routine phone & computer problem resolution throughout the city.
- Routine management issues and resolution.
- Various meetings and training courses attended.
- Working on Monthly Accounting.
- Working on audit prep.
- Yearend accounting and compliance.

Stacey Comeau:

New Hires:

Promotions: Lynn Wright Police

Terminations:

- Random drug testing for the month
- Processed semimonthly payroll
- Responded to job inquiries
- Updated Staffing Authorization Plan
- Prepared Employee Recognition
- Completed monthly payroll reconciliation
- Conducted exit interview with terminating/retiring employees
- Prepared ACH files for Rent, RDA, and Early Retiree payments
- Notarized various documents
- Responded to requests for RDA loan payoff and verification of employment, both verbally and in writing
- Prepared RDA loan disbursements
- Responded to inquiries on Purchase Assistance Program and RDA Loan Program
- Worked with various personnel to resolve issues and concerns

Chris Stone:

- Special promotions on social media for the Fire Department Open House and the 5600 South intersection changes.
- Cleaning of the Veterans Memorial.
- Set up council/court room for various meetings and court.
- Order and pick up of custodial supplies.
- Covered for part-time custodial staff off sick or on vacation.
- Various updates to the city website and social media sites.
- Completed the city newsletter for October.
- Completed the employee newsletter for October.



SENIOR CENTER

Monthly Report



FAVORITE PROGRAMS

Yoga

Aerobics

Flu shot Clinic

Cards

Stepping On

Men's Fitness

849



MEALS SERVED

We served **77** meals on our
busiest day

929

PEOPLE

attended our programs



335

HOURS

of volunteer service



SENIOR SPOTLIGHT: CHARLOTTE GARNER

Charlotte is a Front Desk and Cashier at The Center.
She enjoys meeting new people. She has 5 children
and 11 grandchildren.



The Jachim's received a state AARP
award for their fitness classes at
The Senior Center

September 2023

COMMUNITY CENTER



Monthly Report



MONTHLY ATTENDANCE

828



PEOPLE



213

PEOPLE

attended our programs

RESERVATIONS



75

 this month

Includes 48 park reservations
and 27 community center
reservations

A FEW PROGRAMS OFFERED

Family Science Day
Flag Football

Pickleball
Group Fitness



SPOTLIGHT PROGRAM: GROUP FITNESS

We have group fitness classes every Monday and Wednesday mornings at 8:45am. Our teacher Sherilynn is loved by her students. Her classes are a total body workout with upbeat music and creative movements.



September 2023

Attended staff meetings
Held monthly departmental staff meeting
Created monthly issue of Riverdale Connections
Took applications and filled vacancies at the Senior Center
Registration for youth programs
Covered for Miranda at the Senior Center
Attended Recreation and Financial Sustainability Training

Rich Taylor

Riverdale City Community Services Director
4360 S Parker Dr, Riverdale, UT
801-621-6084



Mayor & City Council Monthly Summary Report September 2023

Community Development Department:

- Review of sign permit requests and issuance of permits
- Meeting with property owners and developers to discuss project plans and concepts
- Review and commentary reporting on subdivision and development submittals
- Design Review Committee meeting attendance re: Axio Automotive
- Design Review Committee meeting attendance re: Ken Garff Honda redevelopment
- Meeting with Natalie Allgood and group re: All access play area concepts and ideas
- UDOT Preapplication review meeting attendance re: Panera Bread (old John Paras) site
- Meeting with Meehans re: property use and development options
- Meeting and Presentation to Utah Military Academy class re: Urban planning discussion
- Meeting with Chasebrook Group re: property in front of Ashley furniture
- Riverdale General Plan reporting updates meetings attendance by department member
- Department heads meetings attendance by department member
- Geographical Information Systems training and work by department member
- Legislative Policy Committee meeting attendance by department member
- 5600 South Community Coordination Team (CCT) monthly meeting attendance by department member
- Utah League of Cities and Towns Planners Day attendance by department member
- FEMA Floodplain training attendance by department member
- WACOG Unified Housing Strategies meeting attendance by department member

RIVERDALE POLICE DEPARTMENT CRIME BULLETIN

September 2023
Report #23-9

September Police Calls

- **1485 Calls for Service:**
 - **28 Animal Complaints**
 - **294 Crime Reports Written**
 - **6 Forgery/Fraud**
 - **22 Retail Thefts**
 - **11 Family Offenses**
 - **18 Burglary/Theft Complaints**
 - **3 Stolen Vehicle Complaints**
 - **4 DUI**
 - **5 Damaged Property**
 - **53 Arrests**



The remainder of calls involved Welfare Checks, Disorderly Conduct, Suspicious Activities, Citizen Assists, Lost/Found property, Trespassing, Medical Assists, Warrant Services, etc.

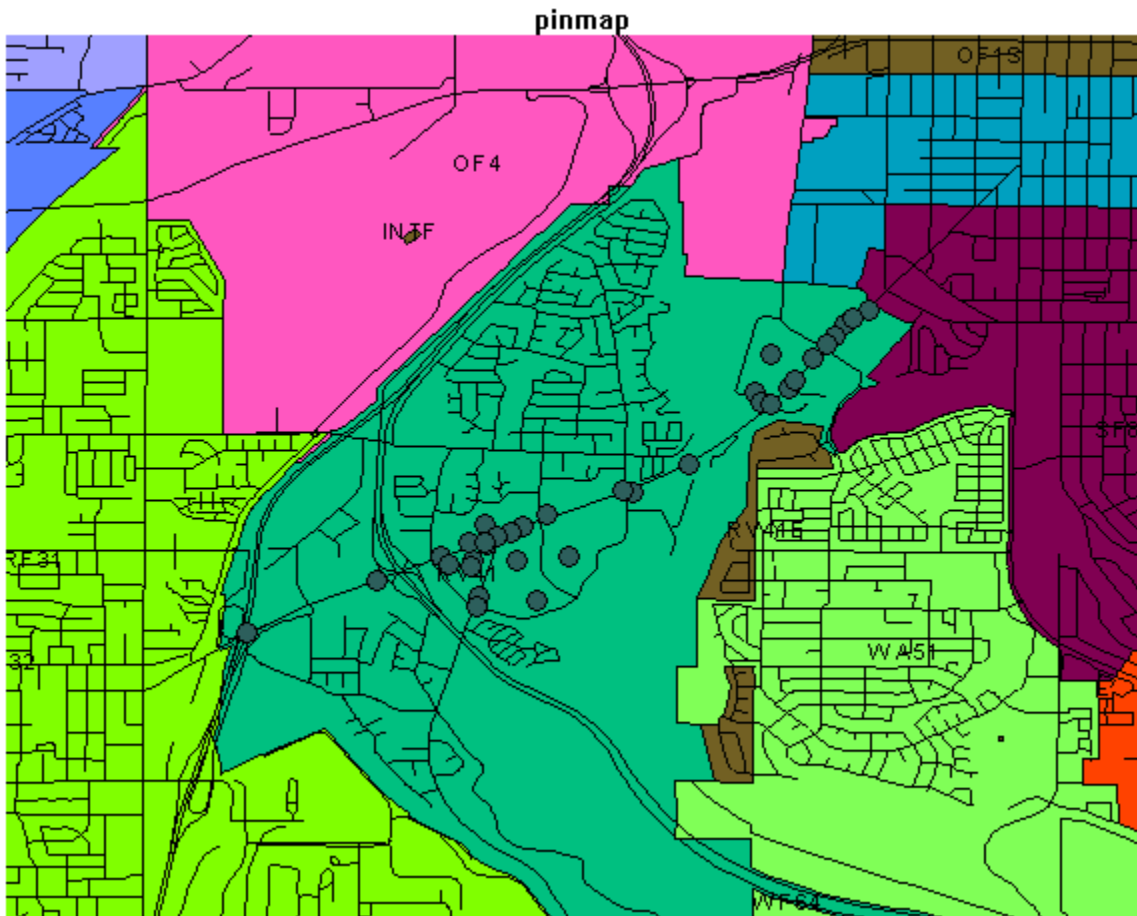
Traffic Patrol and Enforcement

- **526 Traffic Stops resulting in:**
 - **388 Citations**
 - **599 Total Violations**
 - **211 Warnings Issued**

RIVERDALE POLICE DEPARTMENT CRIME BULLETIN

September 2023
Report #23-9

○ **40 Traffic Accidents**



- **26 New Cases sent to Investigations.**
- **40 Investigative Cases Closed**

***Code Enforcement**

9 New Cases

9 Close Compliant

9 Cases still active

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

FOR LAW ENFORCEMENT USE ONLY!

INVESTIGATIONS ARRESTS 09/2023

RETAIL THEFT- Two juveniles entered a local business on a prior date and stole several items. Detectives were able to identify, locate, and interview the suspects who were issued citations for the theft.

SEX OFFENSE- It was reported that a juvenile and an adult were having a sexual relationship. The adult was contacted and admitted to the relationship. He was booked into jail.

FRAUD- A victim reported that his credit card had been stolen and fraudulently used at a local business. Detectives were able to identify and locate the suspect who admitted to the fraud. The suspect was issued a summons for the offense.

WARRANT- Detectives located a suspect in a damaged property case. The suspect denied involvement in the case, however, was booked into jail on an outstanding warrant for his arrest.

FAMILY DISTURBANCE- A male and female were involved in a family disturbance at their residence. During an argument, the male damaged some property at the residence. The male was later located and interviewed by detectives. He admitted to causing the damage and was booked into jail.

THEFT- An unknown female suspect stole tires and wheels off a customer's vehicle at a local dealership. Detectives were able to identify the suspect and located her. The suspect admitted to the theft and the stolen property was recovered. The suspect will be issued a summons for theft.

SEX OFFENSE- It was discovered that a juvenile male and a juvenile female were involved in a sexual relationship. Due to the differing ages, the male suspect was charged with unlawful adolescent sexual activity and exploitation of a minor.

Patrol Report September 2023

Patrol

Medical Assist- Officers responded to a medical on an elderly female who was feeling ill and had back pain. FD arrived and transported the female to the hospital.

Shots Fired- Officers responded to the walking trail by the access bridge on reports of the complainant hearing gunshots around 1220 hours. The area was checked, and multiple people were spoken to who did not report hearing any gunshots.

Assist- Officers provided training to the school staff at Good Foundations on lock down drills.

Recovered Stolen vehicle- Detectives responded to Ogden City where a stolen vehicle was recovered by Ogden Officers. A suspect was taken into custody for the vehicle theft.

Fraud- A citizen reported her credit card was used at multiple locations throughout Weber County to include multiple businesses in Riverdale. No suspects have been identified.

Assist- Officers responded to assist medical on an elderly male that fell out of his wheelchair. The male was transported by ambulance to the hospital with non-life-threatening injuries.

Accident- Officers responded to 900 West Riverdale Road on a traffic accident.

Trespass- Officers responded to Motel 6 on a trespass complaint where occupants of a room could not be verified renters and the management requested that they be trespassed. The subjects were gone prior to arrival. Drug paraphernalia was found in the room and was seized to be destroyed.

Reckless Driver- Officers responded to the area of 4400 S. 1000 W. on a complaint of a vehicle driving recklessly in the area. The vehicle and its occupants were located. The appropriate citations were issued after the reckless driving was witnessed by officers.

Sex Offense- Officers contacted a juvenile that reported to have had sexual relations with an adult female at a local business. A report was completed and submitted to investigations for follow up.

Stolen Vehicle- A citizen reported her vehicle was stolen from an apartment complex in Riverdale. There were no records of the vehicle being impounded or repossessed. The vehicle was listed NCIC.

Vehicle Burglary/Stolen Firearm- A citizen reported that his vehicle was broken into but, it was unknown where the incident actually occurred. A handgun was believed to have been stolen from the vehicle, however, it was found by the owner at his home.

DUI/Drug Arrest- Officers conducted a traffic stop on a vehicle and upon contacting the driver, the odor of marijuana was detected. The driver showed signs of impairment and was arrested for DUI. A passenger in the vehicle was also taken into custody on possession charges. Both were booked into the Weber County Jail.

Fleeing- A traffic stop was attempted after a records check on the vehicle confirmed it was a stolen vehicle. The vehicle fled from officers and proceeded onto I-15. The vehicle was found in Layton where

an additional pursuit occurred. UHP was able to get the vehicle stopped and the driver was taken into custody. Charges will be filed against the driver from multiple agencies.

Warrant-Riverdale Detectives executed a search warrant at a residence for an ongoing case regarding child neglect and illegal drugs. The children were removed from the home and the adults were booked on charges.

Agency Assist-Riverdale Officers assisted South Ogden PD on a suicidal male that was armed with a weapon. After an extended period of speaking with the subject, he was secured and agreed to get professional help.

Theft-Officers responded to Walmart on a theft complaint. The suspect fled the property and was later found at her home. An interview was conducted, and the suspect admitted to the theft. The suspect was booked into the Weber County Jail on charges.

DUI/Open Container-Officers working a DUI shift completed a DUI investigation after a vehicle was stopped and the driver was determined to be impaired. The passenger in the vehicle had open containers of alcohol. Both persons in the vehicle were charged appropriately.

Agency Assist-Riverdale Officers assisted Weber State PD on a DUI investigation at our office. A search warrant was drafted and approved, and the suspect was booked into the WCJ.

Suspicious Person-Officers responded to an apartment complex on a report of a male that was looking into vehicles. The male was located, and it was determined that he was most likely under the influence of drugs/alcohol. There was no evidence that any vehicles had been burglarized. Arrangements were made for the subject to be picked up by family members.

Threats-Officers responded to one of our restaurants after a report was received about two males making comments about shooting at/in the restaurant. The two subjects were located and interviewed. The case was forwarded to investigation for further review and/or possible charges.

Warrant/Drugs-Employees at a business reported a subject in the store that was known for previous thefts. Contact was made with the subject outside of the store and were found to have illegal drugs on them. The subject was booked into the Weber County Jail on charges.

DUI-A Detective from South Ogden reported a vehicle in the drive thru of a restaurant was not moving. Riverdale Officers responded and found that the person behind the wheel was DUI. The driver was arrested and processed for DUI.

Intoxication-Officers responded to the motel where a male was urinating in the parking lot and had messed himself. The male was intoxicated, and the management asked that he be trespassed from the property. A family member responded to take the male home.

Domestic Violence-Officers responded to the motel where an assault was reported. The suspect fled prior to officers arriving, but he was contacted by phone and refused to cooperate. Probable cause was developed for an arrest and the case will be investigated until the suspect is located.

Hit and Run-Officers responded on a hit and run accident where it was believed that the occupants of the suspect vehicle may have been intoxicated. The victim was treated by medical at the scene. The suspects were contacted later in the week, and they will be summoned for charges.

Overdose-Officers responded to a residence on a drug overdose. The subject was awakened by officers and then quickly fled on foot. He was later seen in the neighborhood getting into a vehicle. A traffic stop was performed and upon contacting the male, he agreed to go to the hospital.

Theft-Officers responded to target on a theft complaint. The suspect was located and identified as a suspect in multiple other cases. The subject was charged appropriately.

Shots Fired-Officers responded to the river parkway on a report of shots fired. Multiple people were contacted however, they did not report hearing anything. No injuries or property damage were reported.

Recovered Stolen Vehicle- A vehicle stolen from one of the car lots was recovered in Roy City. No suspects were able to be identified.

Theft-Officers responded on a theft complaint at a business where an individual attempted to complete a fraudulent return. It was discovered that the subject had outstanding warrants and was also the suspect in several other theft cases. The subject was booked on all the theft cases along with the warrants.

Accident/Assault-Officers responded on a traffic accident where an uninvolved person assaulted one of the drivers involved in the accident. Charges were referred to the prosecutor for screening.

Theft/Fraud-While investigating a theft at a business, the two suspects in this case were also identified as suspects in a theft that occurred prior. The two suspects were also found to be in possession of multiple ID's, credit cards, social security cards fraudulent checks, counterfeit money and drug paraphernalia. They were charged and booked accordingly.

Agency assist-Officers responded to Ogden to assist with locating a fugitive. Multiple agencies and K9's were involved in the search.

Missing/Endangered Person-Officers responded into the area between Highland drive and Riverdale Road on a male that went missing. The male has several medical/developmental problems and had been missing for about five hours. After a thorough search of the area, the male was located on Riverdale Road in good health. Great effort on the part of the officers in searching the area and finding him.

Overdose-Officers responded to a business on a report of a male that overdosed. The male was found in the bathroom and Narcan was administered. The male admitted to using fentanyl. He was taken by ambulance to the hospital for treatment.

Burglary-Construction tools and items were taken from the old Shopko building and placed in the grassy area behind the building. The doors to the building were not secured the previous night. There is no suspect information, and all the property was recovered.

Psychiatric-Officers responded on a psychiatric where a female was having a psychiatric episode and exited the building through the fire door, causing the alarm to activate. The subject was found and turned over to her parents who in turn took her to the hospital for treatment.

Threats-Officers responded to a business where a threat was made by an individual to "shoot up the place". The subject that made the call was located and interviewed. It was determined that it was a prank call, however, charges were referred to the courts.

DUI/Weapons Offense-Officers conducted a traffic stop and subsequently an investigation for DUI. The subject was arrested on suspicion of DUI and a weapons offense.

Community Policing

Officers have been active at night locating open garage doors in the neighborhoods. Contact has been made with multiple residents to notify them of the open doors and to remember to secure them for the night.

Officers have continued their daily presence at the schools to interact with the staff and students; gifts from the PTA were provided to us to hand out to students for safety week.

Multiple pan handlers were contacted at several businesses and were asked to move along.

Several individuals were contacted at various parts of the city for the camping ordinance as they were sleeping in their vehicles.

Code Enforcement

Our new Code Enforcement Officer Steve May has been very active in addressing code violations throughout the city. Steve is showing positive results in areas that have overgrown weeds and junk vehicles and played a very large part in encouraging the progressive cleanup at Lesley's.

Fire Department: September 2023

Chief Jared Sholly

143 Calls for Service

Fires

- 1 Building Fire
- 2 Passenger Vehicle Fire
- 1 Grass Fire

Total: 4

Rescue & Emergency Medical Service Incidents

- 48 EMS Calls, Excluding Vehicle
Accidents with Injuries
- 7 Motor Vehicle Accidents with
Injuries
- 2 Motor Vehicle Accidents without
Injuries
- 2 Motor Vehicle Accident/Pedestrian
- 3 Extrication of Victim from Vehicle
- 1 Emergency Medical Services Other

Total: 63

Service Call

- 31 Public Service
- 2 Assist PD

Total: 33

Good Intent Call

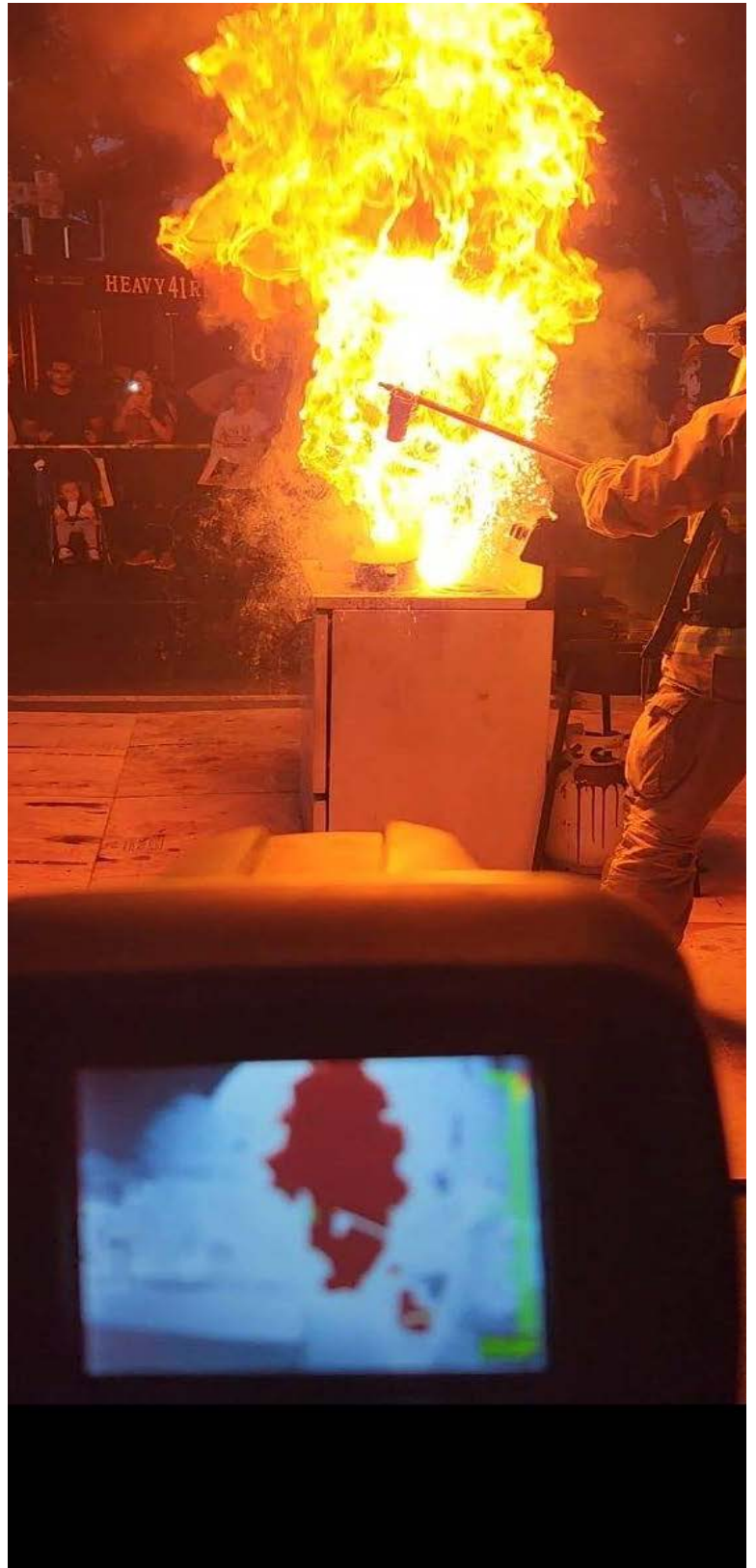
- 34 Cancelled Enroute
- 3 No Incident Found on Arrival

Total: 37

Fire Alarm

- 1 False Alarm
- 3 Alarm System Sounded Due to
Malfunction
- 1 CO Detector Activation Due to
Malfunction
- 1 Smoke Detector Activation No Fire

Total: 6



Department Report:

Meetings and Training:

- **Open House September 25, 2023**
 - (6) Vendors (Ogden Regional, Support Animals First Responders, First-Aid Kits, Weber County Dispatch, Northview Clinic, Fire Prevention Flyers)
 - Aeromedical Helicopter (Ogden Regional)
 - Three Food Trucks (World's Greatest Corn Dog, Zeppe's, Cup Cake)
 - Interactive Fire Demonstration
 - Kids Interactive Maze and Fire Challenge
 - Heavy Rescue Display
 - Engine/Ambulance Display
 - Vehicle Extrication Display
 - Construction of Props for Open House
 - Fire House (Propane)
 - Kitchen Fire Demonstration
- **EMS Training**
 - Muscle Skeletal Injuries
 - King Airway Placement
 - Suction of Upper Airway
 - Nitroglycerin Administration
- **Fire Training**
 - Hose Lays
 - Ground Monitors
 - Master Stream Operations
 - Trench Rescue
 - Cryogenics
 - Countywide Fire Training with Surrounding Departments
- **Weber State Multi-Casualty Exercise**
 - Active Shooter
 - 30+ Patients
 - Ambulance Transport
 - Bus Transports
 - Transported to Local Hospitals
 - Air Medical Helicopter's Transported Patients
- **Crews Changed Smoke Detector Batteries (28) Homes at 600 W, 575 W and 5440 S.**
- **Ogden Regional EMS Case Review**
- **Firework Legislation**
- **Weber County Chiefs Meeting**
- **Weber County Heavy Rescue Meeting**
- **City Staff Meeting**
- **Weber County Emergency Management Meeting**
- **Radio Meeting with Dispatch**
- **Fire Operations Meeting**
- **City Open Burning (Met with Code Enforcement)**
 - Fire Department and City Restrictions and Application Process



- **Significant Event:**

September 3, 2023

Crews responded to I-15 on a reported male patient who had jumped from the overpass that was struck by a semi-truck on I-15. The patient had significant injuries requiring the use of a tourniquet. Roy/Riverdale PD was on the scene and started care, with Riverdale Fire Department adjusting and securing the tourniquet applied. The patient was transported to Ogden Regional with significant damage to the lungs and extremities. Riverdale Fire Department and Roy Paramedic transported and provided advanced IV therapy, airway management, and stabilization. The patient was able to be released from the hospital on September 7, 2022. Ogden Regional gave a case review on this call and was extremely grateful for the way the crews handled themselves.

USAR Report

Region 1 Funding	The State is paying for New Certifications for Technicians.	Tech, Collapse, Rope, Instructor Reimbursements. \$ 2,837.00
Weber County Funding	Fire Department Submitted Invoices to Weber: \$4,068 Reimbursement Submitted \$5,525.00 Training Swift Water paid by Weber County	Swift Water, County USAR Training, Rope, Heavy Extrication, Structural Collapse.
Equipment Region 1	Housed on Riverdale Heavy 41	\$60,000
Weber County Funding	Swift Water Suites and Rescue Rope, PPE, Miscellaneous Tools	TBD

Emergency Manager Report

County C.E.R.T.	Weber County	C.E.R.T Classes are still being taught through Weber County
Riverdale has Completed all Requirements for County Funding.	Emergency Management	Emergency Operation Plan for the City.
Training for Council and Mayor	G0402	Emergency Management Institute - National Incident Management System (NIMS) (fema.gov)
City Annual Response	Weber State University	Riverdale City Fire Department Participation in MCI/Active Shooter
Emergency Operational Plan Review	January 1, 2024	I will start to review the EOP for the city come January. This will meet the requirements of FEMA, the State, and the County.

Fire Marshal Report: July 1, 2023, to October 1, 2023

- **Fire Inspections for all businesses start in November.**
- **Fire Crews will conduct the basic business inspection, and the Chief will follow all Fire Code Violations.**
- **The City Inspection Program (LIV) has been updated for all businesses going into the new year.**

Business	Type of Work	Notes
FIZ	Knox Key and CO2 Inspection	Only had the side door key, need to get a master key in the box. CO2 alarm system inspection.
Shake Shack	Onsite FDC	Walk through on sprinklers and placement of the FDC
Shake Shack	Sprinkler Plan	Currently not within code, need to address strobes, pull station, smoke detector and making sure the Hood

Shake Shack (Cont.)		System is tied into the monitored alarm system
Shake Shack	Sprinkler Pressure Test	Passed
7-Eleven	CO2 Alarm and Monitoring System Inspection	The CO2 Alarm and Monitoring system passed inspection. Occupants were informed of fire violations with the electrical panels not properly covered and storage issues.
Shake Shack	New Plan Review	Still not in compliance with the fire code. Sent to a third party
Gen Garff *Investigation*	Parking Violations, Blocked Fire Lanes, and Turning Radius Issues	Site visit with fire violations identified and a fire violation form was given to the service manager at Ken Garff
Shack Shake	Received Underground Certificate	Reviewed the underground certificate and approved
Olive Garden	Final Fire Alarm Test	"Failed" Signage, breaker panel not marked, door to the office not marked in the room of the FACP
Shack Shake	Underground Inspection	Underground inspection document requested for updating files.
Axio Auto	Business Inspection	Business License
Shake Shack	Third-Party Review	August 1 st , WC3 notified Shack Shake that they will need to install a smoke detector and pull station where the FACP is located, supporting the fire code requirements
Olive Garden Re-inspection	Alarm System	Passed
Lowes	Sprinkler Plan Review	Review and stamped sprinkler plan for Lowes
Ken Garff Plan Review	Site Plan Review	Concerns expressed on alleyways and parking.
Discount Tires	Fire Alarm System	*Passed* The issues found on site we fixed by the contractor and alarm company during the visit. Signage, backup battery, Knox keys, and marking power supplies to the FACP
Aarons	Follow-Up Inspection	Aarons did not have a certification tag on the FACP. Informed the store manager, who was going to get it down
Ken Garff	Parking and Obstructions	Due to vehicles not being parked properly in stalls, fire lanes, and entrance to fire lanes. They had created no access to two buildings
Green Hill Apartments *Investigation*	Dryer Vents Obstructed	The use of electric dryers no longer needs the old vent system.
Ken Garff	Zoom meeting with engineers to go over site plan improvements	Ken Garff was asked to place two additional private hydrants on site to prevent hose lays of 500 feet.

Ken Garff (cont.)		Parking stalls were removed to allow for a proper turning radius and fire department access. Fire Lane signage placed in existing and future areas. Fire stripping is placed on areas that require the turning radius to be met.
Shack Shake	Carbon Dioxide Alarm System Review and site-visit	*Fail* Plans were not accurate and needed to be updated. CO2 cylinder, outside fill, and signage were not accurate to drawings or code.
Ashley Furniture	Flow Test	The flow test was done on Riverdale Rd accessing the old Shopko and new Ashley Furniture.
Uptown Cheapskate	Fire Alarm Inspection	Fire alarm inspection passed, with FDC signage, FACP signage, FDC caps needed to be replaced, and alarm company information placed at the FACP
America First	Fire Alarm Plan Review	Unable to see numerous areas due to yellow font being used. Asked for a new set of drawings prior to approval
Spirit Halloween	Business license Inspection	"Failed" Manager was asked to install two illuminated exit signs that included emergency lighting, all electrical displays need to be in plugged into a protected strip or directly into an outlet. Replacement/fixing ceiling tiles. A second exit with proper widths with no obstructions needed to be placed at the north end of the display area.
Spirit Halloween	Business License Inspection	"Passed" All requirements have been fulfilled
Panera Bread	Site Plan Review	No changes currently
Empowered Body Works	Fire and Sprinkler Plan Review	No Changes currently
Ken Garff	Site Plan Review	All changes requested previously have been resolved
Shack Shake	Carbon Dioxide Alarm System and drawings	All changes made to the plan, and the 704 placards were accurate for CO2
Uptown Cheapskate	Fire Alarm Inspection	Fire alarm inspection passed with other issues to be addressed by the property owner. FDC caps, signage, and proper keys in the Knox box for FD access.
Uptown Cheapskate	Know Keys	Met owners at the business to verify and place keys in the Knox box.
America First	Site Review and Hydrants	Contacted Shane Douglas about

America First (Cont.)		private vs. city-owned hydrants. Only hydrants on the new road and new roundabout at 1500 W.
Walmart	Sprinkler System Review	Review of the sprinklers going into the newly remodeled Walmart. Submitted letter of AHJ to allow for the engineers to move forward on further sprinkler design
Walmart	AHJ Document Review	Submitted and worked with Walmart to remodel the AHJ review letter
Thrive	Fire Alarm System	Walk-through of occupancy with Jeff (Contractor) to discuss the needs of the fire department for business licensing and inspection of the premises. The fire extinguisher, alarm panel, signage, keys for FD access, and the system will be out of date in October and will need to be reinspected prior to opening and occupancies.
Spirit Halloween	Random Inspection of Temporary Occupancy	Critical Fire Violations were found with storage of garbage in the building, storage, emergency lighting, and items stored too close to heat source and lighting. The area manager requested the business and orders were given to resolve issues immediately. I stayed on site until a resolution was found to mitigate all the issues.
Spirit Halloween	Follow-Up Inspection	The manager contacted me on Sunday with photos showing the storage and garbage had been removed.
Thrive	Sprinkler Inspection	Scheduled a follow-up with Thrive and the Alarm Company for the requirements of the system for business licensing.
Shack Shake	Above Grid Inspection	Did the above grid inspection. There was a violation with the electrical being attached to a sprinkler line. Working with the contractor to get this resolved. Photos are to be sent for verification.
Thrive	Fire Alarm Inspection	Meeting with the alarm company to address alarm issues with adding an occupancy. There are two alarm panels and keys are not supporting the entry into the business. This is a remodel from one to two occupancies. Due to the distance of travel, signage of the address will

Thrive (Continue)		need to be on both doors that enter the occupancy. Addressing to the rear of the building with two occupants is now used. All Fire Suppression Systems will need to be certified prior to occupying the building by the owner.
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Monthly report - September, 2023

Legal Dept., City Attorney, City Admin. - Steve Brooks:

- Resolutions/Ordinances work-
 - Work concerning - Purin, Shake Shack, Tesla, Parks, Personnel, RDA, Panera, UDOT, HAFB, Leslie's, Motor Vu, UTA, GRAMA, General plan, drones, development agreements, Cutrubus, Code enforcement, Take 5, Inspector position, AFCU, Water, Farmers market, Zoning, Utilities, Land use, Road grant application, ShopKo lot, bailiffs,
- Legal research/review -
- Legal Department meetings/work -
- Planning commission review/ordin/mtgs/minutes
- Walk-ins/Police reviews/Court/Court screenings/Court filings
- Formal training attended- ULCT, Land use
- RSAC- Drug Court -
- Legal reviews of minutes/resolutions/ordinances
- Records request reviews

COURT MONTHLY REPORT

431 Total traffic cases	YTD 5821 (Jan. 1, 2023 to December 31, 2023)	
7 DUI	214 Moving violations	0 FTA
0 Reckless/DUI red.	148 Non-moving violations	0 Other
62 License violations	1 Parking	

57 Total Misdemeanor cases	YTD 389 (Jan. 1, 2023 to Dec. 31, 2023)		
1 Assault	0 Ill. sale Alc.	0 Dom. animal	3 Dom. violence
18 Theft	0 Other liq. viol.	0 Wildlife	22 Other misd./infrac
0 FTA	13 Contr. subst vio	0 Parks/rec.	
0 Public intox	0 Bad checks	0 Planning zon./Fire/Health	

411 Total cases disposed of this month	1599 Total number of cases disposed of for the year (July 1, 2023 to June 30, 2024)
490 Total offenses this month	1760 Total offenses for year (July 1, 2023 to June 30, 2024)

Small Claims	Total number of cases for the year (Jan. 1, 2023 to Dec. 31, 2023) --	Filed=14	Settled/Dismissed=6
0 Cases filed	0 Trials		
1 Settled/dismissed	0 Default judgment		

# CITATIONS BY AGENCY	YTD (July 1, 2023 to June 30, 2023)
Riverdale City	241 731
UHP	143 631

REVENUE/MISC. YTD (July 1, 2023 to June 30, 2024)

Total Revenue collected	\$ 82,2799.57	\$ 291,321.29
Revenue Retained	\$ 52,266.32	\$ 186,471.06
Warrant Revenue	\$ 38,306.00	\$ 126,945.97
Issued warrants	86	289
Recalled warrants	103	370

RSAC MONTHY REPORT

12 participants	58 drug tests given	1 ordered to inpatient
0 orientations	0 in jail/violations	0 other
1 new participant	2 positive UA's/tests/dilutes	
0 graduates	3 incentives/ gifts	
0 terminated/quit/walked away	0 spice tests given	

Employee Recognition – October 2023 Anniversaries

Years	Employee	Department
19		Fire
8		Fire
5		Public Works
5		Business Administration
2		Business Administration
2		Legal
1		Fire



Riverdale
City

Staffing Authorization Plan

As of September 30, 2023		
Department	FTE Authorization	FTE Actual
City Administration	2.00	2.00
Legal Services	4.50	3.50
Community Development	1.50	1.00
Building	1.50	1.50
Business Administration	7.00	7.00
Community Services	13.50	12.00
Public Works	11.00	11.00
Police	26.00	25.00
Fire	21.50	17.00
Total	88.50	80.00

Staffing Reconciliation - Authorized to Actual		
Department	FTE Variance	Explanation
City Admin	0.00	
Legal Services	(1.00)	City Administrator/City Attorney
Community Development	(0.50)	Fire Inspector?
Community Services	(1.50)	Recreation Assistants
Business Administration	0.00	
Public Works	0.00	
Police	(1.00)	
Fire	(4.50)	PT Firefighters
Totals	(8.50)	Staffing <u>under</u> authorization

Actual Full Time Employees 59.00

Actual Part Time Employees 43.00

Seasonal Employees 0.00

* 2 part time FTE can not be converted to 1 full time FTE

Riverdale City Staffing Authorization Plan

Department: Elected - Mayor & Council

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>Election</u>	<u>Term of Office</u>	<u>Authorized</u>	<u>Actual</u>
	Mayor Braden Mitchell	2015	2022-2025	1.00	1.00
					
	Councilor / Mayor Pro Tem Alan Arnold	2015	2020-2023	1.00	1.00
					
	Councilor			4.00	
	Steve Hilton	2020	2020-2023		1.00
	Bart Stevens	2017	2022-2025		1.00
	Anne Hansen	2022	2022-2025		1.00
	Karina Merrill	2022	2022-2023		1.00
					
					
					
					
	Total			6.00	6.00

Riverdale City Staffing Authorization Plan

Department: Planning Commission

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOA-City</u>	<u>Term Apptm't</u>	<u>Authorized</u>	<u>Actual</u>
	Open Chairman Kathy Eskelsen	2/1/2022	01-2026	1.00	1.00
					
	Vice Chairman Kent Anderson	04/2020	01/2027	1.00	1.00
					
	Commissioner Amy Spiers	07/2018	01/2025	5.00	1.00
	Randy Poulsen	04/2023	01/2024		1.00
	Rikard Hermann	12/2018	01/2025		1.00
	Wanda Ney	02/2019	01/2027		1.00
	Celeste Noland	01/2023	01/2024		1.00
	 				
	Total			7.00	7.00

Riverdale City Staffing Authorization Plan

Department: City Administration

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
130/140	City Recorder Michelle Marigoni	6/17/2021	6/17/2021	1.00	1.00
					
125	City Administrator/City Attorney Steve Brooks	11/1/2004	2/1/2022	1.00	1.00
					
Total				2.00	2.00

Riverdale City Staffing Authorization Plan

Department: Legal Services

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
1042	Court Clerk III Nicole Green	10/31/2021	10/31/2021	1.00	1.00
					
1045	Court Outreach Coord. Joan Dailey	11/28/2005	11/28/2005	1.00	1.00
					
1040	Court Clerk II Raelyn Boman	9/3/2013	11/1/2021	0.50	0.50
					
1070	Prosec. Attorney Teral Tree	1/30/2017	1/30/2017	0.50	0.25
	Letitia Toombs	1/30/2017	1/30/2017		0.25
					
					
XXX	Justice Court Judge Paul Olds	1/22/2020	1/22/2020	0.50	0.50
					
	Acting Dept Head Cody Cardon			1.00	0.00
					
Total				4.50	3.50

Riverdale City Staffing Authorization Plan

Department: Community Development

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
345/380	Comm Dev Dir/RDA Deputy Director Michael Eggett	4/16/2013	4/16/2013	1.00	1.00
					
Total				1.00	1.00

Riverdale City Staffing Authorization Plan

Department: Building

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
325/310	Building Official Jeff Woody	11/30/2022	11/30/2022	1.00	1.00
					
315	Permit Technician/Administrative Assistant Jocelyn Rivera	6/26/2023	6/26/2023	0.50	0.50
					
2025	PW Director Shawn Douglas	5/20/1991	10/16/2011	0.00	0.00
					
Total				1.50	1.50

Riverdale City Staffing Authorization Plan

Department: Business Administration - Civic Center Division

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
600	PT Custodian			1.50	
	Neil Amidan	8/1/2013	8/1/2013		0.50
	Steve Hodges	7/6/2015	7/6/2015		0.50
	Brenda Green	10/5/2018	10/5/2018		0.50
					
760	Civic Center Service Clerk			1.00	
	Cami Jacobsen	9/5/2017	9/5/2017		0.50
	Amy Cummings	10/21/2021	10/21/2021		0.50
					
720/200	Acctg. Clerk			0.50	
	Laurie Greenhalgh	5/16/2019	5/16/2019		0.50
					
730	Utility Billing Clerk			1.00	
	Angie Pierce	4/18/2016	4/18/2016		1.00
					
610	Fac. Custodial Coordinator/ Pub Comm Spec			1.00	
	Chris Stone	12/1/1992	12/1/1992		1.00
					



195/145	HR Manager/Treasurer Stacey Comeau	1/31/2005	1/31/2005	1.00	1.00
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165/780	Business Administrator Cody Cardon	1/8/2019	1/8/2019	1.00	1.00
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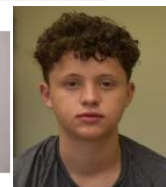
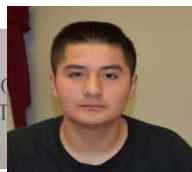


	Total			7.00	7.00
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Riverdale City Staffing Authorization Plan

Department: Business Administration - Community Services Division

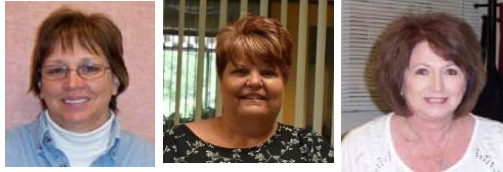
<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
XXX	Rec Assistant			5.50	
	Jayden Hansen	11/21/2022	11/21/2022		0.50
	Cole Lueders	11/21/2022	11/21/2022		0.50
	Dallin Woodbury	6/10/2021	6/10/2021		0.50
	Avery Costello	6/8/2023	6/8/2023		0.50
	Lilie Wood	3/1/2023	3/1/2023		0.50
	Arzy Vernon	8/10/2022	8/10/2022		0.50
	Issac Martinez	6/1/2022	6/1/2022		0.50
	Open				0.00
	Tyson Pututau	3/1/2023	3/1/2023		0.50
	Maclane Loughton	8/19/2022	8/19/2022		0.50
	Open				0.00



XXX	Group Fitness Instructor			1.00	
	Sherilyn Taylor-Brown	7/27/2017	7/27/2017		0.50
	Dione Silva	1/22/2020	1/22/2020		0.50



1266	Comm Services Cust Service Clerk		2.50	
	Karen Dille	9/13/1999	9/13/1999	0.50
	Shari Casper	5/23/2022	5/23/2022	0.50
	Betty Wilson	9/2/2014	9/2/2014	0.50
	Katie Peterson	11/30/2022	11/30/2022	0.50
	Angela Choate	12/3/2021	12/3/2021	0.50



1270	Rec Specialist		1.00	
	Baylee Cascaddan	8/31/2015	10/16/2021	0.50
	Elisa Anger	6/17/2016	8/1/2017	0.50



XXX	Sr. Center Worker RDA Open			0.50	0.00
1570	Sr. Center Cook Stephanie Olpin	1/13/2021	4/16/2021	0.50	0.50
					
1424	Sr. Center Kitchen Aide Anissa Sterner	11/17/2022	11/17/2022	0.50	0.50
					
225	Seniors Program Specialist Miranda Rizzi	3/20/2014	7/1/2017	1.00	1.00
					
340	Comm Services Director Rich Taylor	6/30/2014	6/30/2014	1.00	1.00
					
	Rounding				
	Total			13.50	12.00

Riverdale City Staffing Authorization Plan

Department: Public Works

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
1230	Park Mtnc Specialist I Zachary Henstra 	5/24/2022	5/24/2022	1.00	1.00
1235	Park Mtnc Specialist II			0.00	0.00
1240	Park Mtnc Specialist III Matthew Guymon John Flynn  	9/1/2017 10/2/2018	1/16/2018 10/2/2018	2.00	1.00 1.00
2034	Assistant Public Works Director Norm Farrell 	8/17/1998	12/20/2004	1.00	1.00
1900	Crew Leader Travis Gibson Bart Poll  	5/2/2011 8/24/1998	5/2/2011 7/1/2004	2.00	1.00 1.00
2105	Utility Mtnc Operator I Gage Bennett 	3/2/2020	3/2/2020	1.00	1.00

2110	Utility Mtnc Operator II			0.00	0.00
2115	Utility Mtnc Operator III Dallas Nalder	3/2/2020	7/1/2022	1.00	1.00
					
2115/2030	PW Inspector/Operator III Travis Dahle	7/18/2017	7/18/2017	1.00	1.00
					
2115/2000	Utility Mtnc Operator III/Equipment Mtnc Spec Abraham Torres	5/9/2006	12/1/2022	1.00	1.00
					
2025	PW Director Shawn Douglas	5/20/1991	10/16/2011	1.00	1.00
					
Total				11.00	11.00

Riverdale City Staffing Authorization Plan

Department: Police

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
XXX	School Crossing Guard Kathy Doxey Lesley Kolczak Lindsey Bird	8/10/2015 11/16/2022 2/6/2023	8/10/2015 11/16/2022 2/6/2023	1.50	0.50 0.50 0.50
					
330	Code Enforcement Stephen May	8/8/2023	8/8/2023	0.50	0.50
					
1510	Animal Control Kimberlee Winn	5/31/2020	5/31/2020	1.00	1.00
					
2335	Patrol Secretary/Receptionist Casey Baur	11/30/2022	11/30/2022	1.00	1.00
					
2310	Administrative Executive Assistant Shalee Nay	7/1/2019	6/1/2021	1.00	1.00
					

1749	Pol Officer			15.00	
	Evan Sullivan	9/16/2022	9/16/2022	1.00	
	Noah Shears	2/16/2023	2/16/2023	1.00	
	Juan Torres	12/1/2022	12/1/2022	1.00	
	Matthew Phillips	6/16/2016	6/16/2016	1.00	
	Ryne Schofield	7/16/2016	7/16/2016	1.00	
	Robert Lovato	6/30/2016	6/30/2016	1.00	
	Luigi Panunzio	5/26/2016	5/26/2016	1.00	
	Jeffrey Dingman	3/21/2020	3/21/2020	1.00	
	Jacob Stanger	6/30/2018	6/30/2018	1.00	
	Jeffrey Edminster	9/30/2021	9/30/2021	1.00	
	Eddie List	11/16/2022	11/16/2022	1.00	
	Christopher Morreale	12/1/2022	12/1/2022	1.00	
	Nathen Zaugg	2/28/2023	2/28/2023	1.00	
	Rory Powers	5/16/2023	5/16/2023	1.00	
	Open			0.00	



1765	Pol Sgt			4.00	
	Derek Engstrom	11/16/2010	7/1/2015	1.00	
	Tyrel Dalton	3/1/2018	5/1/2023	1.00	
	Gerardo Vazquez	4/30/2018	12/16/2022	1.00	
	Lynn Wright	7/1/2003	9/16/2023	1.00	



1745	Asst. Police Chief Michael McNeely	2/16/2018	9/1/2023	1.00	1.00
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1740	Police Chief Casey Warren	4/16/2004	9/1/2023	1.00	1.00
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	Total			26.00	25.00
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Riverdale City Staffing Authorization Plan

Department: Fire

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
XXX	PT Firefighter			8.00	
	Colby Bailey	9/7/2022	9/7/2022		0.50
	Lance Beech	5/10/2017	5/10/2017		0.50
	Open				0.00
	Eric Lofthouse	7/6/2023	7/6/2023		0.50



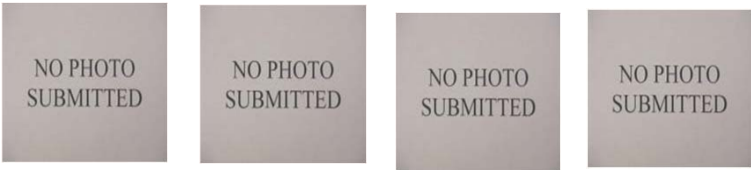
Cody Pitkin	4/6/2022	4/6/2022	0.50
Maximilian Higley	7/2/2018	7/2/2018	0.50
Shawn Stanger	8/21/2019	8/21/2019	0.50
Tyler Reece	3/31/2020	3/31/2020	0.50



Open	0.00
Open	0.00
Open	0.00
Open	0.00



Open	0.00
Open	0.00
Open	0.00
Open	0.00



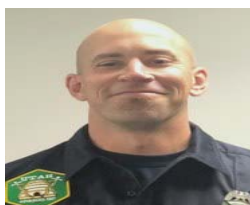
2335	Fire Admin Secretary			0.50	
	Krystn Hinojosa	10/18/2004	10/18/2004		0.50



1695	FT Firefighter/EMT			9.00	
	Paul Flaig	4/4/1983	6/16/2011		1.00
	Dean Gallegos	8/21/1995	8/21/1995		1.00
	Steven Whetton	7/29/2014	8/31/2016		1.00
	JR VanDyke	7/28/2017	7/28/2017		1.00
	Cameron Cessna	6/27/2019	7/9/2023		1.00
	Jace Stromberg	8/10/2021	8/16/2022		1.00
	Marcus Garcia	11/20/2019	1/22/2023		1.00
	Michael Razey	12/6/2022	1/22/2023		1.00
	Dirk Playle	10/5/2022	10/5/2022		1.00



1675	Fire Captain			3.00	
	Matthew Hennessy	12/5/2005	2/1/2012		1.00
	Nathan Tracy	11/6/2012	8/1/2018		1.00
	Garrett Henry	9/21/2018	3/1/2019		1.00



1680	Fire Chief			1.00	
	Jared Sholly	10/21/2015	10/21/2015		1.00



	Rounding			0.00	0.00
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	Total			21.50	17.00
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COMMUNITY DEVELOPMENT PROJECTS STATUS REPORT

October 13th, 2023

OPEN FOR BUSINESS



Axio Automotive has opened their new dealership at 5212 Freeway Park Drive.



Uptown Cheapskate has opened their new store located in the Crossing at 700 West.

NEW AND ONGOING DEVELOPMENTS



Tesla is preparing to start construction on the Tesla Riverdale Automotive Center to be located at 4581 South 1500 West.



Shake Shack has started construction on their new Riverdale location at 4142 S. Riverdale Road.



America First Credit Union has started construction of their new Administrative Operations building at 4624 South 1500 West.



Thrive Appliance will open a new store in Riverdale located at 4071 S. Riverdale Road.



I.D.K. Barbeque has started construction on their new restaurant located at 1140 W. Riverdale Road #E .



Ashley Furniture will open a store in the old Shopko building at 4060 S. Riverdale Road.



Empowered Body Works is working on tenant finish construction of a space in the Crossing at 700 West.



Bricks & Minifigs is working on tenant finish construction of a space located at 4074 South Riverdale Road.



American Freight is working on tenant finish construction of a space located at 4113 South Riverdale Road.

**RIVERDALE CITY
CITY COUNCIL AGENDA
October 17, 2023**

AGENDA ITEM: G1

SUBJECT: Consideration of Ordinance #973 approving updates to Title 10, Chapter 27 “Flood Damage Prevention” ordinance as found in the Riverdale City Code; requested by the Community Development Department and FEMA partners.

PRESENTER: Mike Eggett, Community Development Director

INFORMATION:

- a. CC Exec Summary – 2023 Flood Dam Prev Ord Update
- b. Ordinance 973
- c. RCC 10-27 Flood Damage Prevent Code Update State approved CLEAN
- d. RCC 10-27 Flood Damage Prevent Code Update State approved
- e. Notice of Pub Hear 10-10-2023 Flood Ord Update
- f. Draft minutes from the 10-10-2023 Planning Commission meeting

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: 10-17-2023

Petitioner: Riverdale City at the request of the Utah
State Floodplain Team and FEMA Region VIII

Summary of Proposed Action

The Utah State Floodplain Management Team (at the direction of FEMA Region VIII) has contacted Riverdale City and directed the City to update the Flood Damage Prevention section (Title 10, Chapter 27) of the Riverdale City Code in order to be in continued compliance with the updated floodplain delineation and map revisions. This is being requested because FEMA has updated the Flood Insurance Rate Map (FIRM) to reflect current circumstances along waterways, rivers, and other significant floodways. The new FIRM is anticipated to go into effect at the end of November of this year. Federal programs referenced within the Flood Damage Prevention section of the Riverdale City Code can have significant impacts on homeowners'/business owners' insurance plans and the ways in which property owners may build and modify structures within designated floodplains. There are consequences that may occur within a jurisdiction for not having a current ordinance that incorporates this updated code to link to the new FIRM updates.

As a result of this discussion, City staff were provided with a template of updated Flood Damage Prevention Ordinances to amend this chapter of City Code. An amended ordinance has been prepared by City staff and has been reviewed and approved by the State Floodplain Team.

As a component of land use ordinance revision, the City was required to hold a public hearing for this update. Therefore, a public hearing was advertised in accordance with State and City codes.

On October 10, 2023, the Planning Commission held the public hearing, and no public comments were provided prior to the public hearing nor during the public hearing. At the conclusion of the public hearing, the Planning Commission reviewed the proposed amendments and approved a motion to recommend City Council approval of the Flood Damage Prevention proposed ordinance update, as submitted in the Commission packet.

The proposed code revisions and public hearing notice information for this proposed code update have been provided in the packet hereafter.

Following the discussion in this matter, the City Council may make a motion to approve the proposed code amendments to Title 10, Chapter 27 "Flood Damage Prevention" in the City Code, approve the proposed language with any additional amendments, table the matter for a later date, or not approve the proposed language changes. It is recommended to further provide appropriate findings of facts for decisions made in this matter, as those findings are applicable.

The City ordinances tied to the proposed code changes are found in the Riverdale Municipal Code in Title 10, Chapter 27 “Flood Damage Prevention”, wherein the entire chapter was overhauled and significant sections within were modified, updated, or changed to be in continued compliance with the FEMA Floodplain program.

Following any discussion in this matter, the City Council may make a motion to approve the proposed code amendments, approve the proposed language with any additional amendments, table the matter for a later date, or not approve the proposed language changes. It is recommended to further provide appropriate findings of facts for decisions made in this matter, as those findings are applicable.

General Plan Guidance (Section Reference)	
The General Plan is not applicable for guidance purposes in this matter.	
Legal Comments – City Attorney	
	Steve Brooks, Attorney
Administrative Comments – City Administrator	
	Steve Brooks, City Administrator



ORDINANCE NO. 973

**AN ORDINANCE OF RIVERDALE CITY AMENDING
TITLE 10, ZONING AND SUBDIVISION REGULATIONS,
CHAPTER 27, FLOOD DAMAGE PREVENTION, TO AMEND PORTIONS OF SAID
ORDINANCE TO BETTER MEET CITY NEEDS, MAKE CHANGES THAT CONFORM
WITH CURRENT STATE AND FEDERAL LAW AND CITY PROCEDURES;
PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT
HEREWITH; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION AS
REQUIRED BY LAW.**

WHEREAS, Riverdale City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah; and

WHEREAS, Utah Code empowers municipalities to regulate zoning and procedures within the incorporated boundaries of the municipality; and

WHEREAS, Riverdale City wishes to promote the public health, safety, and general welfare of the City, its citizens and property; and

WHEREAS, Riverdale City recognizes the need for consistency and regulations within the city limits for flood damage prevention and therefore passed an Ordinance in 1985 to help establish rules and regulations for such need; and

WHEREAS, Since the passage of such Ordinance, laws and procedures have changed that require the city to review and modify the current ordinance to make it more compatible with those changes; and

WHEREAS, the Riverdale City Council finds it to be in the best interest of the public to amend the Riverdale City code to reflect what it believes to be changes that do preserve the health and safety of the citizens while still providing uniformity, consistency and regulation of flood damage prevention within the City.

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY
COUNCIL OF THE CITY OF RIVERDALE THAT THE FOLLOWING OCCUR:**

Section 1: Amendment. The amendments, as shown on the attached Exhibit A, incorporated by this reference as fully and as if herein set forth, outline the Sections as are amended and such shall read as listed therein.

Section 2: Changes. All other sections of said chapter shall remain the same, unless amended specifically hereby.

Section 3: Repealer. Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

Section 4: Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective. This ordinance shall take effect immediately upon its adoption and posting, as required by law.

PASSED, ADOPTED, AND ORDERED POSTED this _____ day of October 2023.

Braden D. Mitchell
Riverdale City Mayor

Attest:

Michelle Marigoni
City Recorder

VOTE:

Alan Arnold	___ Yea	___ Nay	___ Absent
Bart Stevens	___ Yea	___ Nay	___ Absent
Steve Hilton	___ Yea	___ Nay	___ Absent
Anne Hansen	___ Yea	___ Nay	___ Absent
Karina Merrill	___ Yea	___ Nay	___ Absent

RIVERDALE CITY CODE

TITLE 10, CHAPTER 27

FLOOD DAMAGE PREVENTION

10-27-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

A. STATUTORY AUTHORIZATION:

The Legislature of the State of Utah has in Utah Code Annotated § 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry and minimize flood losses. Therefore, the City of Riverdale, Utah does ordain as follows:

The City of Riverdale elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

B. FINDINGS OF FACT:

1. The flood hazard areas of Riverdale City are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; all of which adversely affect the public health, safety, and general welfare.
2. These potential flood losses are created by:
 - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
 - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
 - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

C. STATEMENT OF PURPOSE:

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

1. Protect human life and health;
2. Minimize damage to public facilities and utilities, streets, and bridges that are susceptible to flooding;
3. Minimize prolonged business interruptions caused by flooding;
4. Minimize public expenditures on flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the public;
6. Protect and safeguard the welfare and safety of first responders, should an emergency response be needed;
7. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
8. Ensure that potential buyers are notified if properties are in a flood area.

D. METHODS OF REDUCING FLOOD LOSSES:

To accomplish the purposes outlined in 10-27-1(C.) "Statement of Purpose", this ordinance applies the following methods:

1. Restrict or prohibit land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Require that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging, and other development which may increase flood damage; and
5. Prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

10-27-2: DEFINITIONS

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

100-YEAR FLOOD - means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance-flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

500-YEAR FLOOD - means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years and mandatory flood insurance requirement generally does not apply.

ACCESSORY STRUCTURE - is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure; the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

ADDITION - is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE – see “Accessory Structure”.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater

annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD - is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD (SFHA) - is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

BEST AVAILABLE DATA - is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

BUILDING – see “Structure”.

CHANNELIZATION - means the artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.

CODE OF FEDERAL REGULATIONS (CFR) - is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) - is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F) - is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

CRAWLSPACE - means an under-floor space that has its interior floor area (finished or not) no more than four (4) feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Reference: 10-27-5(B.) (4.) “Crawlspace”.

CRITICAL FACILITY - means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living, and similar facilities.

DEED RESTRICTION - refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

DETACHED GARAGE - is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

DEVELOPMENT - means any human-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

ELEVATED BUILDING - is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the

ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

ENCLOSURE - refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

EROSION - means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

EXISTING CONSTRUCTION - refers to structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as "Existing Structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted herein.

EXISTING STRUCTURES - see “Existing Construction”.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

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means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA - means the Federal Emergency Management Agency.

FILL - refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing it with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

FLOOD OR FLOODING – means:

1. 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 or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, 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 (FIS) or FLOOD ELEVATION STUDY - means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOODPLAIN DEVELOPMENT PERMIT - is a community issued permit or document that is used for any development that occurs within a Special Flood Hazard Area (SFHA) identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of "Flooding").

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

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

FLOOD OPENINGS - refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard area and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee has met and continues to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

FLOODPROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing flood waters to enter the structure or area.

FLOODWAY – see “**REGULATORY FLOODWAY**”.

FLOODWAY ENCROACHMENT LINES - mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

FREEBOARD - means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. It does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE (HAG) - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone. Reference: 10-27-5(D.) “Standards for Areas of Shallow Flooding (AO/AH Zones)”.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior; or
 - b. directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA) - means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

LETTER OF MAP REVISION (LOMR) - means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) - means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property, or structure above the BFE.

LEVEE - means 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.

LEVEE SYSTEM - means 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 accordance with sound engineering practices.

LOWEST ADJACENT GRADE (LAG) - means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

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 requirement of Section 60.3 of the National Flood Insurance Program regulations.

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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

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.

MAP - means the FHBM or the FIRM for a community issued by FEMA.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MIXED USE STRUCTURES - are structures with both a business and a residential component, but where the area used for business is less than fifty percent (50%) of the total floor area of the structure.

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. For the purposes of determining insurance rates, structures are based on whether the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATIONS - are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

PHYSICAL MAP REVISIONS (PMR) - is FEMA's action whereby one or more map panels are physically revised and republished.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOWWAY - 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 a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

SECTION 1316 - refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

SPECIAL FLOOD HAZARD AREA (SFHA) - see "Area of Special Flood Hazard".

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "Structure," for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home (a "manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3.) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", if the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. Reference: see 10-27-4(E.) "Variance Procedures".

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by National Flood Insurance Program regulations, as found in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National American Vertical Datum (NAVD) of 1988, (or other datum, where specified), of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

WATERCOURSE - means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

10-27-3: GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES:

The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of Riverdale City.

B. 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 City of Riverdale, Utah," dated November 30, 2023, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are hereby adopted by reference and declared to be a part of this ordinance, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT:

A development permit shall be required to ensure conformance with the provisions of this ordinance.

D. ABROGATION AND GREATER RESTRICTIONS:

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

E. INTERPRETATION:

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and

3. deemed neither to limit nor repeal any other powers granted under State statutes.

F. WARNING AND DISCLAIMER OR LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

G. SEVERABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

H. COMPLIANCE

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent Riverdale City from taking such lawful action as is necessary to prevent or remedy any violations.

I. STOP WORK ORDER

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in 10-27-3(J.) "Penalties For Noncompliance".

J. PENALTIES FOR NONCOMPLIANCE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. “These regulations must include effective enforcement provisions.” In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, “These regulations must be legally enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes.”

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than thirty (30) days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Riverdale City from taking such other lawful action as is necessary to prevent or remedy any violation.

10-27-4: ADMINISTRATION

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR:

The Riverdale City community development director is hereby appointed Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Uphold the goals of the city and the NFIP to reduce risk when possible and increase the community’s resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.

3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
5. Review, approve or deny all applications for development permits required by adoption of this ordinance.
6. Ensure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Utah State Floodplain Program Administration Team, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When base flood elevation data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1.00) foot at any point within the community unless the community has adopted higher standard options.
12. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface

elevation of the base flood by more than one (1.00) foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's Conditional Letter of Map Revision (CLOMR) process.

C. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

1. The property owner or developer shall notify FEMA by submittal of a Letter of Map Revision (LOMR) within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

D. PERMIT PROCEDURES:

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
3. Location of the foregoing in relation to areas of special flood hazard areas (SFHAs).
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable.
5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
6. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.

7. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
8. At the city's discretion, the city may charge a fee for issuance of floodplain development permits.
9. Copies of all floodplain development permits and the associated documents shall become property of the city and a permanent record.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The compatibility of the proposed use with existing and anticipated development.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
7. 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.
8. The necessity to the facility of a waterfront location, where applicable.
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
10. The relationship of the proposed use to the comprehensive plan for that area.

E. VARIANCE PROCEDURES:

The Riverdale City Appeal Authority shall hear and render judgment on requests for variances from the requirements of this ordinance after a floodplain development permit has been denied. Any requests for variances from the requirements of this chapter will be subject to the following procedures:

1. Any person or persons aggrieved by the decision of the Appeal Officer may appeal such decision in the courts of competent jurisdiction.
2. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by Riverdale City in the enforcement or administration of this ordinance.
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Coordinating Agency upon issuing a variance.
4. 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 flood level, providing the relevant factors in 10-27-4(E.) of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
5. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
 - a. Showing a 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, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.

2. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. the criteria outlined in 10-27-4(E.) of this chapter are met; and
 - b. the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

10-27-5: PROVISIONS FOR FLOOD HAZARD REDUCTION

A.1. GENERAL STANDARDS:

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
4. All new construction or 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.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

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

A.2. SUBSTANTIAL IMPROVEMENT

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds fifty percent (50%), unless a higher standard option is selected below, of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to 10-27-5(A.3.) "Substantial Damage". The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

A.3. SUBSTANTIAL DAMAGE

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds fifty percent (50%) of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

A.4. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATION

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

1. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the 10-27-5(A.2.) “Substantial Improvement”; and, if elected,
4. Utilize FEMA’s Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

B. SPECIFIC STANDARDS:

In all special flood hazard areas, the following provisions are required:

1. **Residential Construction** – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this ordinance are satisfied.
2. **Nonresidential Construction** – new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance and ordinances found in 10-27-5(B.)(1.) of this chapter. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

3. **Enclosures** – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access, or storage in an area other than a basement, and 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 meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) 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, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional licensed engineer or architect is required if the structure's lowest floor is built below the base flood elevation (BFE).

4. **Crawlspace**

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

- a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not

allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.

- b. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the LAG.
- c. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of flood waters. To achieve this, a minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from flood waters.
- e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that flood waters cannot enter or accumulate within the system components during flood conditions.
- f. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the LAG.
- g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four (4) feet at any point.
- h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- i. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

5. **Manufactured Homes –**

- a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, 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.

- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
 - i. outside of a manufactured home park or subdivision;
 - ii. in a new manufactured home park or subdivision;
 - iii. in an expansion to an existing manufactured home park or subdivision; or
 - iv. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation, unless a higher standard option is selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. In A-1-30, AH, AO, and AE Zones, require that manufactured homes be placed or substantially improved in an existing manufactured home park to be elevated so that:
 - 1) the lowest floor of the manufactured home is at or above the base flood elevation, unless a higher standard option was selected; or
 - 2) the chassis is supported by reinforced piers no less than thirty-six inches (36") in height above grade and be securely anchored.

6. Recreational Vehicle Standards

In all Areas of Special Flood Hazard (SFHA), Recreational Vehicles, must either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition; or
- c. The recreational vehicle must meet all requirements of 10-27-4(D.) of this chapter, including the anchoring and elevation requirements for "manufactured homes" within this ordinance.

C. STANDARDS FOR SUBDIVISION PROPOSALS:

- 1. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet Development Permit requirements of this ordinance to minimize flood damage.

2. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
3. Base flood elevation (BFE) data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than fifty (50) lots or five (5) acres, or whichever is lesser.
4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

Located within the areas of special flood hazard (SFHAs) established in 10-27-3(A.) of this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures 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 community's FIRM (at least two feet (2') if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least two (2') feet if no depth number is specified) plus the freeboard height option selected below.
2. All new construction and substantial improvements of non-residential 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 community's FIRM (at least two feet (2') if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least two (2') feet if no depth number is specified) plus the freeboard height option selected below; or;
 - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to

the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. FLOODWAYS:

Floodways located within areas of special flood hazard (SFHAs) are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles and erosion potential. As such, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than one (1') foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions found in 10-27-5 of this chapter.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program (NFIP) Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations (BFEs), provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

CERTIFICATION

It is hereby found and declared by the City of Riverdale, Utah that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program (NFIP); and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____
(Mayor, Riverdale City)

PASSED: _____

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Riverdale, Utah, at a regular meeting duly convened on _____.
(date)

(City Recorder)

(SEAL)

EFFECTIVE: _____
(date)

RIVERDALE CITY CODE

TITLE 10, CHAPTER 27

FLOOD DAMAGE PREVENTION

10-27-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

A. STATUTORY AUTHORIZATION:

The Legislature of the State of Utah has in Utah Code ~~Unannotated~~ Annotated § 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry and minimize flood losses. ~~Therefore the state of Utah does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.~~ Therefore, the City of Riverdale City, Utah does ordain as follows:

The City of Riverdale elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

B. FINDINGS OF FACT:

1. The flood hazard areas of Riverdale City are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; all of which adversely affect the public health, safety, and general welfare.

2. These potential flood losses are created by:

- a. The cumulative effect of obstructions in floodplains that are known to which cause an increases in flood heights and velocities;
- b. and by ~~the~~ occupancy of flood hazards areas by uses-structures vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-protected, or otherwise unprotected from flood damages; and
- 2-c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

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C. STATEMENT OF PURPOSE:

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

1. Protect human life and health;
2. Minimize damage to public facilities and utilities, streets, and bridges that are susceptible to flooding;
3. Minimize prolonged business interruptions caused by flooding;
4. Minimize public expenditures ~~of public money for cost~~ on flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding ~~that are~~ generally undertaken at the expense of the ~~general~~ public;
6. Protect and safeguard the welfare and safety of first responders, should an emergency response be needed;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified ~~that property is~~ if properties are in a flood area.

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D. METHODS OF REDUCING FLOOD LOSSES:

~~In order to~~ To accomplish ~~its the~~ purposes outlined in 10-27-1(C.) "Statement of Purpose", this ordinance ~~uses~~ applies the following methods:

1. Restrict or prohibit land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Require that land uses vulnerable to floods, including facilities ~~which that~~ serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control s filling, grading, dredging, and other development which may increase flood damage; and

5. Prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

10-27-2: DEFINITIONS

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

100-YEAR FLOOD - means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance-flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

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500-YEAR FLOOD - means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years and mandatory flood insurance requirement generally does not apply.

ACCESSORY STRUCTURE - is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure; the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

ADDITION - is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex, and it is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE – see “Accessory Structure”.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

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

AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD - is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD (SFHA) - is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AE, AH, A1-30, AE, A99, AO, A1-99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

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BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

BEST AVAILABLE DATA - is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

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BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building of the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

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BUILDING – see “Structure”.

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CHANNELIZATION - means the artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.

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CODE OF FEDERAL REGULATIONS (CFR) - is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

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CONDITIONAL LETTER OF MAP REVISION (CLOMR) - is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

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CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F) - is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

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CRAWLSPACE - means an under-floor space that has its interior floor area (finished or not) no more than four (4) feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Reference: 10-27-5(B)(4.) “Crawlspace”.

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CRITICAL FACILITY - means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living, and similar facilities. **CRITICAL FEATURE** – means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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DEED RESTRICTION - refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

DETACHED GARAGE - is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

DEVELOPMENT - means any human-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

ELEVATED BUILDING - is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. means a non-basement building

built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and

adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(c)(5) of the National Flood Insurance Program regulations.

ENCLOSURE - refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

EROSION - means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

EXISTING CONSTRUCTION - ~~means for the purposes of determining rates,~~refers to structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. ~~"Existing construction"~~It may also be referred to as ~~"Existing S~~tructures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted herein.

EXISTING STRUCTURES - see "Existing Construction".

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - ~~m~~Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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FEMA - means the Federal Emergency Management Agency.

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FILL - refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing it with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

FLOOD OR FLOODING — means:

1. a general and temporary condition of partial or complete inundation of normally dry land areas from:

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a. the overflow of inland or tidal waters; and/or

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b. the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, 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 (FIS) or FLOOD ELEVATION STUDY -

means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN DEVELOPMENT PERMIT - is a community issued permit or document that is used for any development that occurs within an Special Flood Hazard Area (SFHA) identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of "Fflooding").

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for ~~the purpose of~~ flood damage prevention and reduction.

FLOOD OPENINGS - refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" area and the extent of to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee has met and continues to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

FLOOD-PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures ~~which that~~ reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing flood waters to enter the structure or area.

FLOODWAY - see ("REGULATORY 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 a designated height.

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FLOODWAY ENCROACHMENT LINES - mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

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FREEBOARD - means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - means a ~~use which development that~~ cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes ~~only~~ docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, ~~but~~ it does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE (HAG) - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone. Reference: 10-27-5(D.) "Standards for Areas of Shallow Flooding (AO/AH Zones)".

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs ~~which that~~ have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior; or;
 - b. directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA) - means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

LETTER OF MAP REVISION (LOMR) - means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) - means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property, or structure above the BFE.

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LEVEE - means 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.

LEVEE SYSTEM - means 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 accordance with sound engineering practices.

LOWEST ADJACENT GRADE (LAG) - means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

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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 requirement of Section 60.3 of the National Flood Insurance Program regulations.

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-attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

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.

MAP - means the FHBM or the FIRM for a community issued by FEMA.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NGVDNAVD) of 1929-1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MIXED USE STRUCTURES - are structures with both a business and a residential component, but where the area used for business is less than fifty percent (50%) of the total floor area of the structure.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM city floodplain management regulation adopted by a community program or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the purposes of determining insurance rates, "new construction" means structures are based on whether for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATIONS - are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

PHYSICAL MAP REVISIONS (PMR) - is FEMA's action whereby one or more map panels are physically revised and republished.

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RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOWWAY - 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 a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

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SECTION 1316 - refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

SPECIAL FLOOD HAZARD AREA (SFHA) - see "Area of Special Flood Hazard".

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START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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,

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the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or including a gas or liquid storage tank, ~~which that~~ is principally above ground, as well as a manufactured home. “Structure,” for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home (a “manufactured home,” also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For insurance purposes, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3.) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its ~~before pre-~~damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include ~~either~~:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications ~~which that~~ have been identified by the local code enforcement official and ~~which~~ are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that if the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - ~~is means~~ a grant of relief by a community from the terms of a floodplain management regulation. Reference: see 10-27-4(E.) “Variance Procedures”. ~~to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore,~~

~~permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).~~

VIOLATION - means the failure of a structure or other development to be fully compliant with the ~~city's community's~~ floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by National Flood Insurance Program regulations, as found in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National ~~Geodetic American~~ Vertical Datum (~~NGVD~~NAVD) of ~~1929-1988~~, (or other datum, where specified), of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

WATERCOURSE - means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

10-27-3: GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES:

The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of Riverdale City.

B. 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 City of Riverdale, Utah," dated ~~June 2, 2015~~November 30, 2023, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) or Digital Flood Insurance Rate Maps (DFIRM), and ~~any revisions thereto~~other supporting data, are hereby adopted by reference and declared to be a part of this ~~chapter ordinance~~, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. ~~-Riverdale City automatically adopts effective FEMA Flood Insurance Studies (FIS), and automatically adopts effective FEMA Flood Insurance Rate Maps.~~

C. ESTABLISHMENT OF DEVELOPMENT PERMIT:

A development permit shall be required to ensure conformance with the provisions of this ~~chapter ordinance~~.

D. COMPLIANCE:

~~No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.~~

ED. ABROGATION AND GREATER RESTRICTIONS:

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

F.E. INTERPRETATION:

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

1. considered as minimum requirements;
2. liberally construed in favor of the ~~city council~~governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

G.F. WARNING AND DISCLAIMER OR LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by ~~human-made~~ or natural causes.

This ~~chapter ordinance~~ does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

G. SEVERABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

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H. COMPLIANCE

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent Riverdale City from taking such lawful action as is necessary to prevent or remedy any violations.

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I. STOP WORK ORDER

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.

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2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in 10-27-3(J.) "Penalties For Noncompliance".

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J. PENALTIES FOR NONCOMPLIANCE

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In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes."

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than thirty (30) days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Riverdale City from taking such other lawful action as is necessary to prevent or remedy any violation.

10-27-4: ADMINISTRATION

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR:

The ~~city~~ Riverdale City community development director is hereby appointed Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of the NFIP Regulations and 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Uphold the goals of the city and the NFIP to reduce risk when possible and increase the community's resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
- 4.3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
- 2.4. Review permit application development proposals to determine whether proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
- 3.5. Review, approve or deny all applications for development permits required by adoption of this ordinance.
6. Review permits for proposed development to assureEnsure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
- 4.7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Utah State Floodplain Program Administration Team, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 5.9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Utah Floodplain Administrator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

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8.10. When base flood elevation data has not been provided by FEMA, in accordance with city code 10-27-3B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, including data provided by the applicant, in order to administer the provisions of city code 10-27-5 this ordinance.

9.11. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, and AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1.00) foot at any point within the community unless the community has adopted higher standard options.

10.12. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM, which increases the water surface elevation of the base flood by more than one (1.00) foot, provided that the community first meets the requirements of Section 65.12 applies for a conditional FIRM revision through FEMA's (Conditional Letter of Map Revision (CLOMR) process.

C. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

1. The property owner or developer shall notify FEMA by submittal of a Letter of Map Revision (LOMR) within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

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CD. PERMIT PROCEDURES:

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to;

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1. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to; Duplicated plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations;

2. ~~Duplicated plans drawn to scale showing the location, dimensions, and elevation of~~ existing and proposed structures, including the placement of manufactured homes.;
3. Location of the foregoing in relation to areas of special flood hazard areas (SFHAs).
~~Additionally, the following information is required:~~
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable.;
5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be flood-proofed.;
6. A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure (if applicable) shall meet the flood-proofing criteria of ~~10-27-5B(2); this ordinance and the NFIP Regulations~~.
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated ~~as a result because~~ of proposed development, if applicable.
8. At the city's discretion, the city may charge a fee for issuance of floodplain development permits.
- 7.9. Copies of all floodplain development permits and the associated documents shall become property of the city and a permanent record.

~~Maintain a record of all such information in accordance with 10-27-4B(1).~~

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ~~chapter ordinance~~ and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.;
3. The danger that materials may be swept onto other lands to the injury of others.;
4. The compatibility of the proposed use with existing and anticipated development.;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.;
7. 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.;
8. The necessity to the facility of a waterfront location, where applicable.;

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9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

DE. VARIANCE PROCEDURES:

The Riverdale City Appeal Authority shall hear and render judgment on requests for variances from the requirements of this ordinance after a floodplain development permit has been denied. Any requests for variances from the requirements of this chapter will be subject to the following procedures:

- ~~1. The Riverdale City Appeal Authority shall hear and render judgment on requests for variances from the requirements of this chapter.~~
1. Any person or persons aggrieved by the decision of the Appeal Officer may appeal such decision in the courts of competent jurisdiction.
2. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by Riverdale City in the enforcement or administration of this ~~chapter~~ordinance.
- ~~3. Any person or persons aggrieved by the decision of the Appeal Officer may appeal such decision in the courts of competent jurisdiction.~~
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Coordinating Agency upon issuing a variance upon request.
- ~~4. 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 flood level, providing the relevant factors in 10-27-4(E.) of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.~~
- ~~4.~~
5. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ~~5-7.~~ Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

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- ~~6. 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 chapter.~~
- ~~7. 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 flood level, providing the relevant factors in 10-27-4C(2) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.~~
- ~~8. Upon consideration of the factors noted above and the intent of this chapter, the Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (see 10-27-1C).~~
- ~~9. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~10. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
 - a. ~~Variances shall only be issued upon:~~
 - 1) ~~S~~showing a good and sufficient cause.;
 - 2) ~~a~~A determination that failure to grant the variance would result in exceptional hardship to the applicant. ~~and~~
 - 3) ~~a~~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, ~~or~~ conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.
2. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. the criteria outlined in 10-27-~~4D4(E.)~~~~(1-9-)~~ of this chapter are met; and
 - b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

10-27-5: PROVISIONS FOR FLOOD HAZARD REDUCTION

A.1. GENERAL STANDARDS:

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
4. All new construction or 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.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

A.2. SUBSTANTIAL IMPROVEMENT

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds fifty percent (50%), unless a higher standard option is selected below, of the market value of the structure only (not

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of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to 10-27-5(A.3.) "Substantial Damage". The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

A.3. SUBSTANTIAL DAMAGE

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds fifty percent (50%) of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

A.4. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATION

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

1. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits

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issued for improvements and repairs as specified in the 10-27-5(A.2.) “Substantial Improvement”; and, if elected,

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4. Utilize FEMA’s Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

B. SPECIFIC STANDARDS:

In all ~~areas of special flood hazard areas, s~~ where base flood elevation data has been provided as set forth in 10-27-3B, 10-27-4B(8), or 10-27-5C(3), the following provisions are required:

1. **Residential Construction** – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to ~~or one (1) foot~~ above the base flood elevation. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this ~~subsection-ordinance~~ areas proposed in 10-27-4C(1)(a.), is satisfied.
2. **Nonresidential Construction** – new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) foot ~~or~~ above the base flood ~~level-elevation,~~ or together, with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification ~~which that~~ includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance and ordinances found in 10-27-5(B.) (1.) of this chapter. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.
3. **Enclosures** – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are ~~usable-used~~ solely for parking of vehicles, building access, or

storage in an area other than a basement, and ~~which~~ 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 meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) 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, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional licensed engineer or architect is required if the structure's lowest floor is built below the base flood elevation (BFE).

4. Crawlspace

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

- a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
- b. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the LAG.
- c. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or

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other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

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e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

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f. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the LAG.

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g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four (4) feet at any point.

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h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

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i. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

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4.5. Manufactured Homes –

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices ~~which that~~ minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, 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.

b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

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i. ~~(i)~~ outside of a manufactured home park or subdivision;

ii. ~~(ii)~~ in a new manufactured home park or subdivision;

iii. ~~(iii)~~ in an expansion to an existing manufactured home park or subdivision;

or

b.iv. ~~(iv)~~ in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation, unless a higher standard option is selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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- c. ~~Require In A-1-30, AH, AO, and AE Zones, require~~ that manufactured homes be placed or substantially improved ~~on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of 10-27-5B(4) to~~ be elevated so that ~~either:~~

1) the lowest floor of the manufactured home is at or above the base flood elevation, unless a higher standard option was selected; or
~~—or~~

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2) the ~~manufactured home~~ chassis is supported by reinforced piers ~~or other foundation elements of at least equivalent strength that are~~ no less than thirty-six inches (36") in height above grade and be securely anchored ~~to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

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5-6. Recreational Vehicles Standards

~~Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM In all Areas of Special Flood Hazard (SFHA), Recreational Vehicles, must~~ either:

- a. ~~be~~ Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. ~~be~~ Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition; or
- c. ~~meet the permit~~ The recreational vehicle must meet all requirements of 10-27-4C4(D).(1) ~~of this chapter, and the elevation and including the anchoring and elevation requirements for "manufactured homes" within this ordinance.~~ 10-27-5B(4). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. STANDARDS FOR SUBDIVISION PROPOSALS:

1. All ~~subdivision~~ proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall ~~be consistent with 10-27-1B, C, and D of this chapter meet Development Permit requirements of this ordinance to minimize flood damage.~~
2. All ~~proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of 10-27-3C, 10-27-4C, and the provisions of 10-27-5 in this chapter.~~ subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
3. Base flood elevation (BFE) data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and

subdivisions, which are greater than fifty (50) lots or five (5) acres, or whichever is lesser, if not otherwise provided pursuant to 10-27-3B or 10-27-4B(8) of this ordinance.

4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

Located within the areas of special flood hazard (SFHAs) established in 10-27-3(A.)B of this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures 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 community's FIRM (at least two feet (2') if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least two (2') feet if no depth number is specified) plus the freeboard height option selected below.
2. All new construction and substantial improvements of non-residential 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 community's FIRM (at least two feet (2') if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least two (2') feet if no depth number is specified) plus the freeboard height option selected below; or;
 - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in 10-27-4C(1)a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. FLOODWAYS:

Floodways —located within areas of special flood hazard (SFHAs) established in 10-27-3B are areas designated as floodways. Since the floodway is an extremely hazardous areas due to the velocity of flood waters which that carry debris, potential projectiles and erosion potential, As such, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than one (1') foot.

4.2. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the community during the occurrence of the base flood discharge.

2.3. If 10-27-5E(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of found in 10-27-5 of this chapter.

3.4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program (NFIP) Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations (BFEs), provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

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10-27-6: PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Riverdale City from taking such other lawful action as is necessary to prevent or remedy any violation.

CERTIFICATION

It is hereby found and declared by the City of Riverdale, Utah that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program (**NFIP**); and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____
(Mayor, Riverdale City)

PASSED: _____

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Riverdale, Utah, at a regular meeting duly convened on _____.
(date)

(City Recorder)

(SEAL)

EFFECTIVE: _____
(date)



**RIVERDALE CITY
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, October 10, 2023, at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

Proposed updates to Title 10, Chapter 27 “Flood Damage Prevention” ordinance as found in the Riverdale City Code, as requested by the Community Development Department and FEMA partners.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 27th day of September, 2023 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni
Riverdale City Recorder

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, October 10, 2023, at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

Present:

Commissioners:	Kathy Eskelsen, Chair Kent Anderson, Vice Chair Amy Ann Spiers, Commissioner Rikard Hermann, Commissioner Wanda Ney, Commissioner Celeste Noland, Commissioner Randy Poulsen, Commissioner
City Employees:	Mike Eggett, Community Development Steve Brooks, City Administrator/Attorney Michelle Marigoni, City Recorder
Excused:	
Visitors:	

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:30 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present, as well as members of city staff.

B. Public Comment

Commissioner Eskelsen asked if any members of the public were present with comments. There were none.

C. Presentations and Reports

Mr. Eggett gave updates on the following:

Mr. Eggett gave updates on the following:

- Axio Auto and Uptown Cheapskate will have grand openings on 10/16 and 10/20.
- Tesla has begun earth work and has a large amount of dirt to move to improve the area.
- Shake Shack is hoping to open on November 6th. Rocky Mountain Power is not able to get them a transformer for months, so they may need to use a generator. The City is working on a solution with them.
- America First is working on their first operations building. The next part of the project will be before the Planning Commission in the coming months.
- Thrive Appliance will be opening soon.
- IDK BBQ is planning to move in next to Super Chix.
- Ashley Furniture is moving along.
- Bricks and Minifigs, a Lego and minifigure store, is moving in next to GOAT Haircuts.
- American Freight Furniture and Mattress is moving into the old Bed Bath & Beyond and hopes to open soon.
- A Conditional Use Permit has been submitted for a Hummer/large vehicle fabricating and repair shop. They moved in and began work before obtaining permits or a business license.

D. Consent Items

1. Consideration of Meeting Minutes from:
September 12, 2023 Work Session
September 12, 2023 Regular Meeting
September 26, 2023 Work Session
September 26, 2023 Regular Meeting

Commissioner Anderson moved to approve the consent items. Commissioner Noland seconded the motion, and all were in favor.

E. Action Items

1. **a. Public Hearing to receive and consider comments regarding proposed updates to Title 10, Chapter 27 "Flood Damage Prevention" ordinance as found in the Riverdale City Code; requested by the Community Development Department and FEMA partners.**

Mr. Eggett reported the updates were strongly suggested by FEMA and have been approved by the state's floodplain team.

Motion: Commissioner Hermann moved to open the public hearing.

Second: Commissioner Spiers

Vote:

Commissioner Eskelsen:	Yes
Commissioner Anderson:	Yes
Commissioner Poulsen:	Yes
Commissioner Noland:	Yes
Commissioner Hermann:	Yes
Commissioner Spiers:	Yes
Commissioner Ney:	Yes

Motion passes unanimously, public hearing open at 6:40 pm.

Public Comment: No public present.

Motion: Commissioner Spiers moved to close the public hearing.

Second: Commissioner Hermann

Commissioners Polled:

Commissioner Noland:	Yes
Commissioner Hermann:	Yes
Commissioner Spiers:	Yes
Commissioner Ney:	Yes
Commissioner Eskelsen:	Yes
Commissioner Anderson:	Yes
Commissioner Poulsen:	Yes

Motion passes unanimously, public hearing closed at 6:41 pm.

b. Consideration to forward a recommendation to City Council regarding proposed updates to Title 10, Chapter 27 "Flood Damage Prevention" ordinance as found in the Riverdale City Code; requested by the Community Development Department and FEMA partners.

Motion: Commissioner Noland moved to forward a favorable recommendation to City Council regarding proposed updates to Title 10, Chapter 27 "Flood Damage Prevention" ordinance as found in the Riverdale City Code; requested by the Community Development Department and FEMA partners.

Second: Commissioner Anderson

Commissioners Polled:

Commissioner Ney:	Yes
Commissioner Anderson:	Yes
Commissioner Noland:	Yes
Commissioner Poulsen:	Yes
Commissioner Spiers:	Yes
Commissioner Eskelsen:	Yes
Commissioner Hermann:	Yes

Motion passes unanimously.

F. Comments

Mr. Eggett noted he would try to get training for commissioners soon.

G. Adjournment

As there was no further business to discuss, Commissioner Spiers moved to adjourn. This was seconded by Commissioner Ney All were in favor and the Planning Commission meeting adjourned at 6:42 p.m.

Date Approved: _____



RESOLUTION NO. 2023-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF RIVERDALE, WEBER COUNTY, STATE OF UTAH, SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO, *IN GOD WE TRUST*, IN THE RIVERDALE CITY COUNCIL CHAMBERS IN A PROMINENT LOCATION AT CITY HALL.

WHEREAS, *IN GOD WE TRUST*, became the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II; and

WHEREAS, the words have been used on U.S. currency since 1864; and

WHEREAS, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as above the Speaker's dais in the House of Representatives; and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, the City desires to display this patriotic motto in the Council Chambers as a way to solemnize public occasions and express confidence in our society.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Riverdale hereby resolve as follows:

Section 1. That the City Council of the City of Riverdale, does hereby determine that the historic and patriotic words of our national motto, ***IN GOD WE TRUST***, shall be permanently and prominently displayed in the Riverdale City Council Chambers at City Hall.

Section 2. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Riverdale City Council, State of Utah, held on the 17th day of October, 2023.

BRADEN MITCHELL, Mayor

ATTEST:

Michelle Marigoni, City Recorder

VOTE:

Alan Arnold	_____	Yes	_____	No	_____	Absent
Bart Stevens	_____	Yes	_____	No	_____	Absent
Steve Hilton	_____	Yes	_____	No	_____	Absent
Anne Hansen	_____	Yes	_____	No	_____	Absent
Karina Merrill	_____	Yes	_____	No	_____	Absent