



AMERICAN FORK CITY COUNCIL
JULY 28, 2026
MEETING AGENDA

Notice of Electronic Meeting

One or more City Council members may be physically absent from this meeting but may participate electronically.

Notice is hereby given that the American Fork City Council will hold a regular session on Tuesday, July 28, 2026, in City Hall, located at 31 North Church Street, commencing at 7:00 p.m. The agenda shall be as follows:

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Carroll; roll call.
2. Twenty-minute public comment period - limited to two minutes per person.
3. City Administrator's Report
4. Council Reports
5. Mayor's Report

COMMON CONSENT AGENDA

(*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda.)

1. Approval of June 23, 2026, city council minutes.
2. Approval of July 7, 2026, work session minutes.
3. Approval of corrected June 9, 2026, city council minutes.
4. Ratification of city payments (July 8, 2026, to July 21, 2026) and approval of purchase requests over \$50,000.

ACTION ITEMS

1. Review and action on a resolution accepting the Chipman/Stake Center Annexation petition consisting of 23.991 acres and located at approximately 510 South 100 West.
2. Review and action on an ordinance approving a code text amendment, known as Easements of the American Fork City Municipal Code. Amending Chapter 15.01.110, the Code Text Amendment plans to amend the code related to Floodplain Management.
3. Review and action on an ordinance approving a code text amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Chapter 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.
4. Review and action on an ordinance approving a code text amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone.
5. Review and action on an ordinance approving a code text amendment, known as "N" Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214,

the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations.

6. Review and action on approval of a contract for streetlight repair, construction, and maintenance services with Infrastructure Power Group, LLC.
7. Review and action on an ordinance amending Title 15 of the American Fork City Code entitled "Buildings and Construction."
8. Review and action on the award of American Fork City Garage Reorientation Project to Construction IQ LLC.
9. Adjournment.

Dated this 22nd day of July 2026.

/s/Terilyn Lurker
City Recorder

- In accordance with the Americans with Disabilities Act, the City of American Fork will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-763-3000 at least 48 hours in advance of the meeting.
- The order of agenda items may be changed to accommodate the needs of the City Council, staff, and the public.
- Persons addressing the Council during public comment may submit written materials to the City Recorder. When practicable, the Recorder shall distribute copies to the Council or provide them electronically after the meeting. Submission of written materials does not require the Council to review, discuss, or respond to the materials during the meeting. The presiding officer may impose reasonable, content-neutral limitations regarding the format, number of copies, or method of submission to ensure the orderly conduct of the meeting.



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Recorder

Director Approval Terilyn Lurker

AGENDA ITEM Review and action on a resolution accepting the Chipman/Stake Center petition consisting of 23.991 acres and located at approximately 510 South 100 West.

SUMMARY RECOMMENDATION

Staff would recommend approval.

BACKGROUND

The applicants are proposing annexing into American Fork to build a single-family development and a church. There are many different property owners going into the annexation of property, such as The Church of Jesus Christ of Latter-Day Saints, the Chipman family, and American Fork City. All are coming into together for the annexation but will have separate development applications that are oriented towards their own developments, such as the stake center and single-family development.

This annexation had previously started the annexation process, but due to the length of time since the start of the annexation process and the need for all property owners involved to have agreements in place, it was felt the process needed to start over.

BUDGET IMPACT

N/A

SUGGESTED MOTION

ACCEPTANCE OF PETITION

Move to adopt the resolution accepting the petition for annexation of the Chipman/Stake Center, consisting of approximately 24 acres at 510 South 100 West.

DENIAL OF PETITION

Move to deny the petition for annexation of the Chipman/Stake Center, consisting of approximately 24 acres at 510 South 100 West.

SUPPORTING DOCUMENTS

4. Resolution accepting the Petition for Annexation - 07.28.26 (PDF)

RESOLUTION NO. _____**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF APPROXIMATELY 24 ACRES LOCATED AT 510 SOUTH 100 WEST, KNOWN AS THE CHIPMAN/STAKE CENTER ANNEXATION, INTO AMERICAN FORK CITY.**

WHEREAS, on July 6, 2026, the owners of certain real property, the Chipman Family Trust, Church of Jesus Christ of Latter-Day Saints, John D. & Elaine Watson, and American Fork City filed a petition with the city recorder requesting that property located at approximately 510 South 100 West be annexed into the corporate boundaries of American Fork City; and

WHEREAS, the petitioners indicate that said property proposed for annexation lies contiguous to the present boundaries of American Fork City and the petitioners have caused an accurate plat or map of the real property proposed for annexation to be prepared by a licensed surveyor and have filed said plat or map with the city recorder; and

WHEREAS, the area proposed for annexation is within the proposed annexing municipality's Annexation Policy Declaration Expansion Area; and

WHEREAS, said petition contains the signature of the owner(s) of private real property that: 1) is located within the area proposed for annexation; 2) covers a majority of the private land area within the area proposed for annexation, covers 100% of all the rural real property within the area proposed for annexation, and covers 100% of all of the private land area within the area proposed for annexation or a migratory bird production area; and 3) is equal in value to at least 1/3 of the value of all the private real property within the area proposed for annexation; and

WHEREAS, said petition appears to comply with requirements of Section 10-2-806 and Section 10-2-807, Utah Code Annotated, 1953 as amended.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH:

SECTION 1. American Fork City hereby acknowledges receipt of a written notice from the owners of real property requesting that their respective property be annexed into American Fork City in accordance with the terms of the State law relating to annexations (UCA 10-2-806). A copy of the request signed by the owners of the parcel requesting the annexation is set forth on Exhibit A.

Further, a map showing the location of the parcels included within the proposed annexation area and the boundary description of the proposed annexation area is set forth on Exhibit B, which exhibits are attached hereto and by this reference made part of this Resolution.

SECTION 2. The American Fork City Council hereby accepts for further consideration the petition to annex approximately 24 acres of real property knowns as the Chipman/Stake Center Annexation as set forth on Exhibit B under the provisions of Utah State Code and hereby refers the petition to the city recorder for review pursuant to Utah State Code §10-2-807(1)(a)(B).

ADOPTED AND PASSED BY THE AMERICAN FORK CITY COUNCIL this ____ day
of July 2026.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder



Exhibit "A"

American Fork City
Recorder's Office
51 E. Main Street
American Fork, UT 84003
801-763-3000

Petition for Annexation

Petition Title: ~~Chipman Annexation~~ Chipman/Stake Center Annexation

Property Location: 100 W 700 S Acreage: 24

Property Owner Names:

Property Address:

Parcel ID#:

~~Corp of Pres Bishop~~ 657 S 100 W 13:050:0172

~~Church of Jesus Christ of LDC~~ American Fork, UT 84003 13:050:0149

The Church of Jesus Christ 13:050:0240
of Latter-day Saints

(Attach Additional Sheets if needed)

Sponsor Name: Mike Davey Phone: _____

Address: 65 Wadsworth Park Dr, Suite 2 Draper, UT

Email Address: mike@bhdarchitects.com

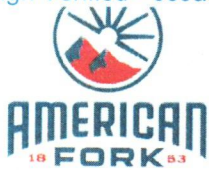
Include with Petition:

- Petition for Annexation and signature page
- Accurate and recordable mylar map
 - Electronic copy of map emailed to tlurker@americanfork.gov and mwhite@americanfork.gov
 - One 24" x 36" map stamped by a licensed surveyor
- Copy of the Notice of Intent to File an Annexation Petition sent to affected entities, including the date notices were sent and a list of the affected entities notices were sent.
- On the date of filing with the city recorder, deliver copy of petition to Utah County Clerk

RECEIVED

Date: 7/4/26

American Fork City
Recorder's Office



American Fork City
Recorder's Office
51 E. Main Street
American Fork, UT 84003
801-763-3000

Petition for Annexation Signature Page

Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of American Fork City. If you choose to withdraw your signature, you shall do so no later than 30 days after American Fork City receives notice that the petition has been certified.

We, the undersigned owners of private real property, hereby petition the area shown on the attached accurate and recordable map prepared by a licensed surveyor to be annexed into American Fork City. Each of the undersigned affirms that (a) each has personally signed this petition, (b) each is an owner of real property that is located within the area, and (c) each desire to be annexed into American Fork City. The petitioners hereby request this petition be considered by the American Fork City Council and that a resolution be adopted as required by law accepting this petition for further consideration.

James Dzineku

James Dzineku

13:050:0172

13:050:0149

13:050:0240

Signature

Printed Name

Parcel ID

50 E North Temple, SLC, Utah 84150

Address

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

(Attach additional Sheets as needed)

**CERTIFICATE OF AUTHORITY
CORPORATION**

The undersigned hereby represents, warrants and certifies for the benefit of American Fork City and Utah County, and their respective elected officials (including, without limitation, the American Fork City Recorder and the Utah County Clerk), employees, agents and attorneys that the undersigned (a) is (and at all pertinent times has been) an officer of the corporation (the "**Corporation**") described below; (b) is duly authorized to execute and deliver on behalf of the Corporation the attached "Petition for Annexation" (the "**Petition**"); and (c) has duly executed and delivered the Petition on behalf of, and as a general partner of, the Corporation.

Dated this day of 07/06/2026, ~~2021~~.

James Dzineku

(Officer's Signature)

James Dzineku

(Print Officer's Signature)

Area Project Manager of The Church of Jesus Christ
of Latter-day Saints, a Utah Corporation Sole.

(Printer Officer's Title)

The Church of Jesus Christ of Latter-day Saints,
a Utah Corporation Sole.

(Print Name of Corporation)

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Recorder's Office
51 E. Main Street
American Fork, UT 84003
801-763-3000

Petition for Annexation

Petition Title: ~~Chipman Annexation~~ Chipman/Stake Center Annexation

Property Location: 100 W 700 S **Acreage:** 24

Property Owner Names:

Property Address:

Parcel ID#:

<u>Howard Schmidt, trustee</u>	<u>515 S 100 W</u>	<u>13:050:0191</u>
<u>Chipman Marital Trust</u>	<u>American Fork, UT 84003</u>	<u>13:050:0252</u>
<u>U/A/D November 14, 2004</u>		<u>13:050:0239</u>
<u>Howard Schmidt, trustee</u>		
<u>Chipman Exception Trust</u>		
<u>U/A/D November 14, 2004</u>		

(Attach Additional Sheets if needed)

Sponsor Name: Devin Chipman **Phone:** _____

Address: _____

Email Address: _____

Include with Petition:

- Petition for Annexation and signature page
- Accurate and recordable mylar map
 - Electronic copy of map emailed to tlurker@americanfork.gov and mwhite@americanfork.gov
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<u>Howard Schmidt</u>	Howard Schmidt, Trustee	13:050:0191
	Chipman Marital Trust	13:050:0252
	U/A/D November 14, 2004	13:050:0239
Signature	Printed Name	Parcel ID

Address

Telephone Number	Email Address
<u>Howard Schmidt</u>	Howard Schmidt, Trustee 13:050:0191
	Chipman Exception Trust 13:050:0252
	U/A/D November 14, 2004 13:050:0239
Signature	Parcel ID

Address

Telephone Number	Email Address
Signature	Printed Name
	Parcel ID

Address

Telephone Number	Email Address

(Attach additional Sheets as needed)

Attachment: 4. Resolution accepting the Petition for Annexation - 07.28.26 (Chipman/Stake Center Annexation - Acceptance of Petition

**CERTIFICATE OF AUTHORITY
TRUST**

The undersigned hereby represents, warrants and certifies for the benefit of American Fork City and Utah County, and their respective elected officials (including, without limitation, the American Fork City Recorder and the Utah County Clerk), employees, agents and attorneys that the undersigned (a) is (and at all pertinent times has been) a trustee of the trust (the "Trust") described below; (b) is duly authorized to execute and deliver on behalf of the Trust the attached "Petition for Annexation" (the "Petition"); and (c) has duly executed and delivered the Petition on behalf of, and as a trustee of, the Trust.

Dated this day of 07/04/2026, ~~2021~~.

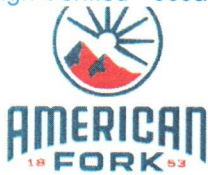
Howard Schmidt, Trustee
(Trustee's Signature)

Howard Schmidt
(Print Trustee's Signature)

Chipman Marital Trust U/A/D November 14, 2004
(Print Name of Trust)

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801-763-3000

Petition for Annexation

Petition Title: ~~Chipman Annexation~~ Chipman/Stake Center Annexation

Property Location: 100 W 700 S

Acreage: 24

Property Owner Names:

Watson, John D & Elaine

Property Address:

Parcel ID#:

13:050:0249

(Attach Additional Sheets if needed)

Sponsor Name: Devin Chipman

Phone: _____

Address: _____

Email Address: _____

Include with Petition:

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John Watson

Signature

John D Watson

Printed Name

13:050:0249

Parcel ID

Address

Telephone Number

Email Address

Elaine Watson

Signature

Elaine Watson

Printed Name

13:050:0249

Parcel ID

Address

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

(Attach additional Sheets as needed)



American Fork City
Recorder's Office
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American Fork, UT 84003
801-763-3000

Petition for Annexation

Petition Title: ~~Chipman Annexation~~ Chipman/Stake Center Annexation

Property Location: 100 W 700 S **Acreage:** 24

Property Owner Names:

Property Address:

Parcel ID#:

American Fork City Inc

717 S 100 W

13:050:0262

American Fork, UT 84003

13:066:0024

(Attach Additional Sheets if needed)

Sponsor Name: Patrick O'Brien **Phone:** 801-763-3060

Address: 275 E 200 N American Fork, UT 84003

Email Address: pobrien@americanfork.gov

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 - Electronic copy of map emailed to tlurker@americanfork.gov and mwhite@americanfork.gov
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Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

(Attach additional Sheets as needed)



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51 E. Main Street
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801-763-3000

PLEASE CAREFULLY FOLLOW THESE INSTRUCTIONS WHEN OBTAINING SIGNATURES ON THE PETITION

1. Examine how the property is owned. ***This is how the petition must be signed.***

2. If you see these abbreviations, then do this:

TC (Tenants in Common)

The owners of a total of over 50% of the ownership interest must sign. Typically, there will be two tenants in common shown – in this base both must sign).

JT (Joint Tenancy)

One-half (by number) of the joint tenants must sign. Typically, there will be two joint tenants shown on the list. In that situation, either (or both) may sign.

TR, TRS, or Trust

Must be signed by a trustee of the Trust. Write “Trustee of the (insert name of Trust)” after the signature. Example: “Jane Doe, as Trustee of the John Doe Family Trust”. **Fill out “Certificate of Authority” for TRUST.**

LLC (Limited Liability Company) Must be signed by a manager (or a member if the LLC has no managers) of the LLC. Specify the signer’s authority after the signature. Example: “Jim Doe, Manager of Doe, LLC.” **Fill out “Certificate of Authority” for LLC.**

Partnership

Must be signed by a general partner of the partnership. Specify the signer’s authority after the signature. Example: “John Doe, General Partner of Doe Limited Partnership” **Fill out the “Certificate of Authority” for PARTNERSHIP.**

Corporation

Must be signed by an officer of the Corporation. Specify the signer’s authority after the signature. Ex: “John Doe, President of John Doe, Inc.” **Fill out the “Certificate of Authority” for CORPORATION.**

List of Affected Entities to Which Notice was Sent

Utah County Clerk	Aaron Davidson	100 East Center Street Suite 3100
Utah County Commissioners	Brandon Gordon	51 South University Avenue
Utah County Commissioners	Tom Sakievich	51 South University Avenue
Utah County Commissioners	Amelia Powers	51 South University Avenue
Utah County Treasurer	Kim Jackson	100 East Center Street Suite 1200
Utah County Boundary Commission	100 East Center Street Suite 1200	Provo, UT 84606
Utah County Surveyor	Anthony Canto	2855 South State Street
Central Utah Water Conservancy District	1426 East 750 North Suite 400	Orem, UT 84097
North Utah County Water Conservancy District	75 North Center Street	American Fork, UT 84003
Central Utah 911	3047 N 400 W	Spanish Fork, UT 84660
Mountainland Association of Governments (MAG)	586 E 800 N	Orem, UT 84097
North Pointe Solid Waste Service District	2000 W 200 S	Lindon, UT 84042
North Utah Valley Animal Services Special Services District	193 N 2000 W	Lindon, UT 84042
Timpanogos Special Service District	PO Box 923	American Fork, UT 84003
Alpine School District	575 N 100 E	American Fork, UT 84003

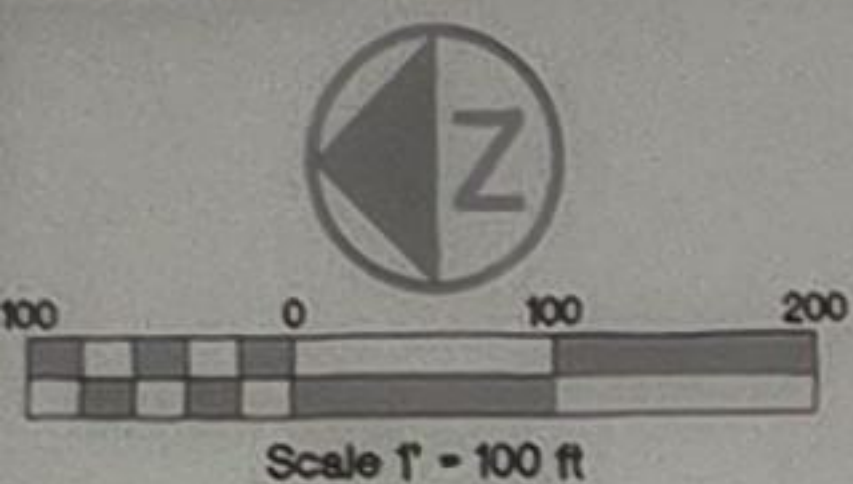
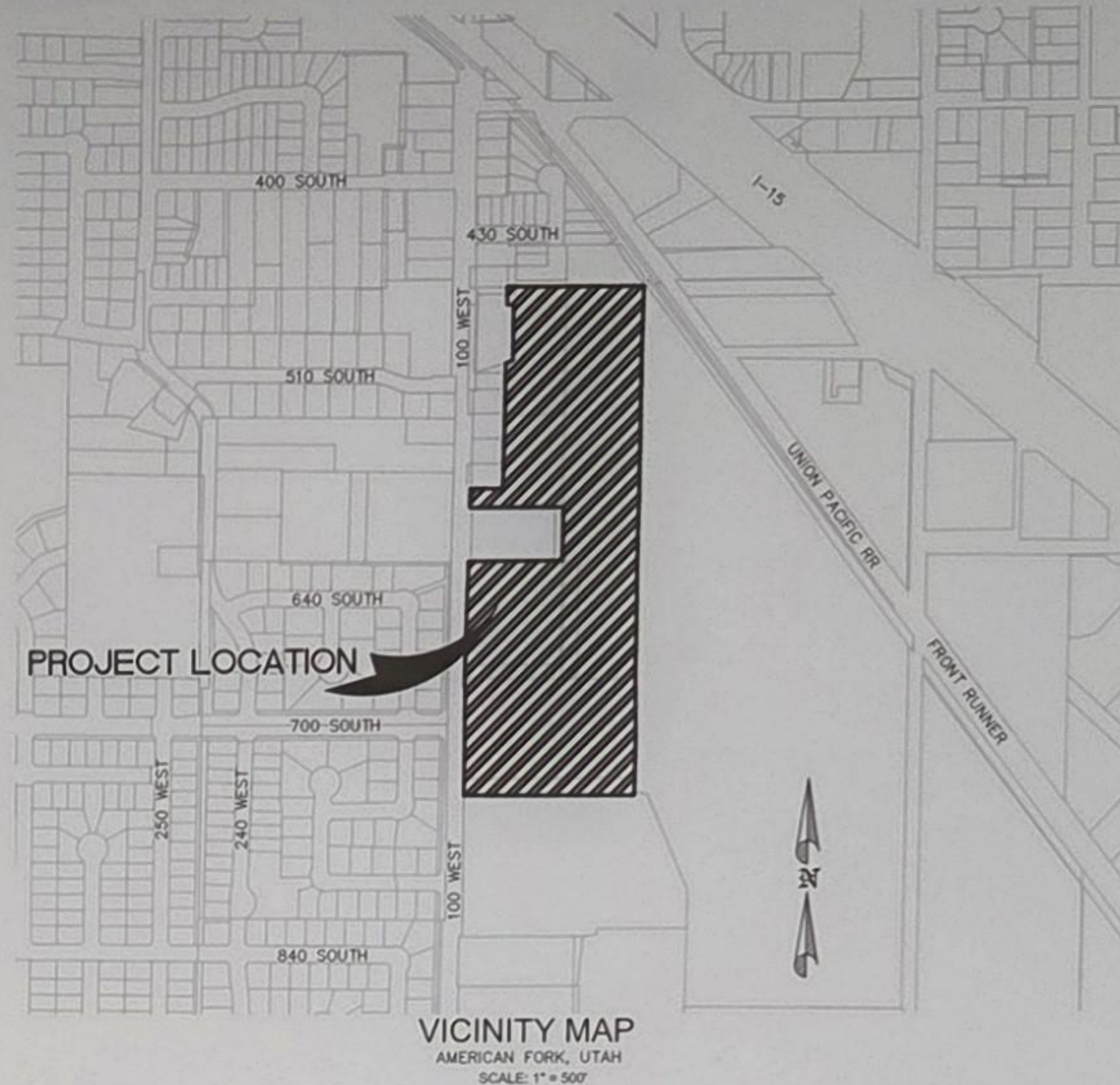


Exhibit "B"



SURVEYOR'S CERTIFICATE

I, KAGAN M. DIXON DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 9081091 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO AMERICAN FORK CITY, UTAH COUNTY, UTAH.

PROPERTY DESCRIPTION:

A TRACT OF LAND BEING SITUATE IN THE SOUTHEAST QUARTER OF SECTION 23, AND THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°10'31" EAST BETWEEN THE SOUTH QUARTER CORNER AND THE NORTH QUARTER CORNER OF SAID SECTION 23, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF HARBOR ROAD C ANNEXATION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 13461 WHICH IS SOUTH 89°48'51" EAST ALONG THE SECTION LINE A DISTANCE OF 66.00 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 23, AND RUNNING THENCE NORTH 00°11'56" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 167.35 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 89°57'46" WEST ALONG THE NORTHERLY LINE OF SAID PLAT A DISTANCE OF 2.23 FEET TO THE SOUTHEAST CORNER OF HARBOR ROAD ANNEXATION PLAT A ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 13460; THENCE NORTH 1°08'42" EAST ALONG SAID HARBOR ROAD ANNEXATION PLAT A A DISTANCE OF 463.71 FEET TO THE SOUTHEAST CORNER OF LAKESIDE ANNEXATION PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 2847; THENCE NORTH 00°58'39" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 4.14 FEET TO THE SOUTHWEST CORNER OF HATCH ANNEXATION PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 11973; THENCE ALONG SAID ANNEXATION PLAT THE FOLLOWING THREE (3) COURSES, 1) EAST 355.31 FEET, 2) NORTH 200.00 FEET, 3) WEST 351.90 FEET TO THE EASTERLY LINE OF SAID LAKESIDE ANNEXATION PLAT; THENCE NORTH 00°58'39" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 71.20 FEET TO THE SOUTHERLY LINE OF CHIPMAN SUBDIVISION PHASE 1 ANNEXATION ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 8430; THENCE SOUTH 89°25'37" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 121.84 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00°34'23" EAST ALONG THE EASTERLY LINE OF SAID PLAT, THE EASTERLY LINE OF CALVIN CHIPMAN ANNEXATION PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 6302, THE EASTERLY LINE OF TODD CARTER ANNEXATION PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 6008, THE EASTERLY LINE OF ALAN CHIPMAN ANNEXATION PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 5581, AND THE EASTERLY LINE OF ROSEMARIE CHIPMAN ANNEXATION PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING NO. 13799 A DISTANCE OF 465.35 FEET TO THE EASTERLY CORNER OF SAID ROSEMARIE CHIPMAN ANNEXATION; THENCE ALONG SAID ANNEXATION PLAT THE FOLLOWING FOUR (4) COURSES, 1) NORTH 73°37'00" EAST 28.04 FEET, 2) NORTH 206.88 FEET, 3) WEST 24.73 FEET, 4) NORTH 00°34'23" EAST 62.85 FEET TO THE SOUTHERLY LINE OF THE ORIGINAL AMERICAN FORK CITY PLAT, ON FILE WITH THE OFFICE OF THE UTAH COUNTY SURVEYOR; THENCE NORTH 89°41'12" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 511.26 FEET TO THE EASTERLY LINE OF THE CHIPMAN PROPERTY; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING SIX (6) COURSES, 1) SOUTH 37°03'23" EAST 0.30 FEET, 2) SOUTH 00°38'13" WEST 280.73 FEET, 3) SOUTH 00°15'35" WEST 440.93 FEET, 4) SOUTH 00°14'58" WEST 742.06 FEET, 5) SOUTH 00°45'32" EAST 222.76 FEET, 6) SOUTH 00°30'23" WEST 211.79 FEET TO A POINT ON THE PROLONGATION OF SAID LINE, AND THE POINT ON A PROLONGATION OF THE SOUTHERLY LINE OF THAT CERTAIN QUIT CLAIM DEED ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS ENTRY NO. 52445:2001 THENCE NORTH 89°44'49" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 646.62 FEET TO THE EASTERLY LINE OF SAID HARBOR ROAD ANNEXATION PLAT "C", THENCE NORTH 00°11'56" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 244.74 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,045,032 SQUARE FEET OR 23.991 ACRES, MORE OR LESS.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°10'31" EAST (NAD83) BETWEEN THE SOUTH QUARTER CORNER AND THE NORTH QUARTER CORNER OF SAID SECTION 23, TOWNSHIP 5 SOUTH RANGE 1 EAST SALT LAKE BASE AND MERIDIAN.

ACCEPTANCE BY LEGISLATIVE BODY

WE THE DULY ELECTED COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, HAVE RECEIVED A REQUEST TO INITIATE PROCEDURES FOR THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON, WHICH TRACT CONSTITUTES A PORTION OF AN EXISTING ISLAND OR PENINSULA WITHIN OR CONTIGUOUS TO THE CITY, AND DO HEREBY CERTIFY: (1) THE COUNCIL HAS ADOPTED A RESOLUTION SETTING FORTH ITS INTENT TO ANNEX THE TRACT TO THE CITY; ALL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10-2-806 AND/OR SECTION 10-2-812 UTAH CODE ANNOTATED, AS AMENDED, AND (2) THAT THE COUNCIL DOES HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON AS PART OF AMERICAN FORK CITY, TO BE KNOWN HEREAFTER AS CHIPMAN/STAKE CENTER ANNEXATION.

THIS _____ DAY OF _____, 20____ A.D.

BRAD FROST, MAYOR

STACI CARROLL, COUNCIL MEMBER

RYAN HUNTER, COUNCIL MEMBER

CLARK TAYLOR, COUNCIL MEMBER

TIM HOLLEY, COUNCIL MEMBER

ERNE JOHN, COUNCIL MEMBER

ATTEST:
CLERK/RECORDER (SEE SEAL BELOW)

APPROVAL BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANN. 17-23-20 AS AMENDED.

ANTHONY CANTO, COUNTY SURVEYOR

FINAL LOCAL ENTITY PLAT

CHIPMAN/STAKE CENTER ANNEXATION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23,
AND THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
AMERICAN FORK CITY, UTAH COUNTY, UTAH

SURVEYOR'S SEAL

CITY RECORDER SEAL

COUNTY RECORDER





**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Planning **Director Approval** Patrick O'Brien

AGENDA ITEM Review and action on an ordinance approving a code text amendment, known as Easements of the American Fork City Municipal Code. Amending Chapter 15.01.110, the Code Text Amendment plans to amend the code related to Floodplain Manage

SUMMARY RECOMMENDATION

Staff recommends approval of the amendments to Chapter 15.01.110 of the American Fork City Code entitled Easements. This item was recommended for approval at the 07.08.2026 Planning Commission meeting.

BACKGROUND

The staff has initiated for a Code Text Amendment to amend Section 15.01.110 of the American Fork City Municipal Code. The proposed amendment looks to establish what document type must be used to convey easements, requiring conveyance on a plat when a plat is required, and a graphical exhibit tied to the Utah County Surveyor's monument system when a plat is not required.

BUDGET IMPACT

N/A

SUGGESTED MOTION

Move to adopt the ordinance amending Section 15.01.110 of the American Fork City Code entitled Easements, subject to all conditions identified in the public record of the July 8, 2026, Planning Commission meeting.

SUPPORTING DOCUMENTS

- 2. 15.01.110_Easements_CTA_Final_Ready for PC and CC (PDF)
- 1. 15.01.110_Easements_CTA_Redlines_Ready for PC and CC (PDF)
- Section 15.01.110_Ordinance_Code Text Amendment (DOCX)
- CTA - Easements_UNAPPROVED MINUTES (PDF)

Sec 15.01.110 Easements

- A. Public Utility Easements of not less than five feet of all rear lot and parcel of record lines shall be required. Public Utility Easements on lot lines adjacent to the public right of way shall be required and shall be no less than ten feet unless otherwise determined appropriate by the City Engineer. Easements that are twenty feet wide may be required where deemed necessary by City Engineer or Planning Commission for the purpose of storm drains, sewer lines, water mains, canals, public utilities, etc.
- B. Sewer, water, pressurized irrigation, or storm drainage lines which are deeper than five feet to flowline shall be placed in a minimum of a twenty-five-foot wide easement. Where said utility lines are deeper than twelve feet or greater than twelve inches in diameter, the pipe shall be placed in a thirty-foot-wide easement or greater as determined by the City Engineer.
- C. Where reduced building setbacks are allowed by other sections of the American Fork City Municipal Code, Applicant shall provide accommodations for utilities through easements and/or connections to adjacent properties as approved by the utility providers and the City Engineer.
- D. Where an existing improved site is proposed by the Applicant to be retrofitted, remodeled or redeveloped, Applicant shall provide easements as required by this section. In areas where existing improvements and conditions prohibit the Applicant from complying with all easement requirements, Applicant shall provide alternative easements to meet the intent of this section for City Engineer's review. City Engineer may approve alternative locations for easements as deemed appropriate and necessary by City Engineer.
- E. When subdivision plats or amended subdivision plats are required, all easements shall be identified and conveyed on the plat or amended plat. Any public utility easement dedicated or conveyed to the City and not required to be conveyed on a plat or amended plat, including parcels of record, shall include a graphical exhibit depicting the location and dimensions of the easement in relation to the affected

property that can be retraced by surveying means and tied into the Utah County Surveyor's monument system. The exhibit shall be prepared in a form acceptable to the City Engineer and shall be required to be prepared by a licensed professional land surveyor, unless otherwise approved by the City Engineer. Nothing in this section modifies or replaces any subdivision, subdivision amendment, boundary adjustment or other approval otherwise required by law or this Code.

Sec 15.01.110 Easements

- A. Public Utility Easements of not less than five feet of all rear lot and parcel of record lines shall be required. Public Utility Easements on lot lines adjacent to the public right of way shall be required and shall be no less than ten feet unless otherwise determined appropriate by the City Engineer. Easements that are twenty feet wide may be required where deemed necessary by City Engineer or Planning Commission for the purpose of storm drains, sewer lines, water mains, canals, public utilities, etc.
- B. Sewer, water, pressurized irrigation, or storm drainage lines which are deeper than five feet to flowline shall be placed in a minimum of a twenty-five-foot wide easement. Where said utility lines are deeper than twelve feet or greater than twelve inches in diameter, the pipe shall be placed in a thirty-foot-wide easement or greater as determined by the City Engineer.
- C. Where reduced building setbacks are allowed by other sections of the American Fork City Municipal Code, Applicant shall provide accommodations for utilities through easements and/or connections to adjacent properties as approved by the utility providers and the City Engineer.
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- E. When subdivision plats or amended subdivision plats are required, all easements shall be identified and conveyed on the plat or amended plat. Any public utility easement dedicated or conveyed to the City and not required to be conveyed on a plat or amended plat, including parcels of record, shall include a graphical exhibit depicting the location and dimensions of the easement in relation to the affected

property that can be retraced by surveying means and tied into the Utah County Surveyor's monument system. The exhibit shall be prepared in a form acceptable to the City Engineer and shall~~may~~be required to be prepared by a licensed professional land surveyor, unless otherwise approved by the City Engineer. Nothing in this section modifies or replaces any subdivision, subdivision amendment, boundary adjustment or other approval otherwise required by law or this Code.

~~(Ord. No. 2007-07-31, § 1.3, 7-10-2007; Ord. No. 2011-06-17, § 1, 6-28-2011)~~

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 15.01.110 TITLED EASEMENTS
PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.**

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, Utah Code §§ 10-20-501 and 503 of Utah Code Annotated, 1953, as amended grants the City authority to enact, adopt and amend land use regulations; and

WHEREAS, the Planning Commission held a public hearing on June 8, 2026, to consider a Code Text Amendment to amend Section 15.01.110; and

WHEREAS, at its recommendation meeting, the Planning Commission voted in favor of a positive recommendation to the City Council of American Fork on June 8, 2026, and

WHEREAS, it is in the best interest and general welfare of residents of American Fork City to amend Section 15.01.110 to clarify the required conveyance documents for easements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 15.01.110 of the American Fork Municipal Code is hereby amended to read as follows:

Sec 15.01.110 Easements

- A. Public Utility Easements of not less than five feet of all rear lot and parcel of record lines shall be required. Public Utility Easements on lot lines adjacent to the public right of way shall be required and shall be no less than ten feet unless otherwise determined appropriate by the City Engineer. Easements that are twenty feet wide may be required where deemed necessary by City Engineer or Planning Commission for the purpose of storm drains, sewer lines, water mains, canals, public utilities, etc.
- B. Sewer, water, pressurized irrigation, or storm drainage lines which are deeper than five feet to flowline shall be placed in a minimum of a twenty-five-foot wide easement. Where said utility lines are deeper than twelve feet or greater than twelve inches in

diameter, the pipe shall be placed in a thirty-foot-wide easement or greater as determined by the City Engineer.

- C. Where reduced building setbacks are allowed by other sections of the American Fork City Municipal Code, Applicant shall provide accommodations for utilities through easements and/or connections to adjacent properties as approved by the utility providers and the City Engineer.
- D. Where an existing improved site is proposed by the Applicant to be retrofitted, remodeled or redeveloped, Applicant shall provide easements as required by this section. In areas where existing improvements and conditions prohibit the Applicant from complying with all easement requirements, Applicant shall provide alternative easements to meet the intent of this section for City Engineer's review. City Engineer may approve alternative locations for easements as deemed appropriate and necessary by City Engineer.
- E. When subdivision plats or amended subdivision plats are required, all easements shall be identified and conveyed on the plat or amended plat. Any public utility easement dedicated or conveyed to the City and not required to be conveyed on a plat or amended plat, including parcels of record, shall include a graphical exhibit depicting the location and dimensions of the easement in relation to the affected property that can be retraced by surveying means and tied into the Utah County Surveyor's monument system. The exhibit shall be prepared in a form acceptable to the City Engineer and shall be required to be prepared by a licensed professional land surveyor, unless otherwise approved by the City Engineer. Nothing in this section modifies or replaces any subdivision, subdivision amendment, boundary adjustment or other approval otherwise required by law or this Code.

PART II PROVISIONS AND ADOPTION

Section 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 2. Amendments to be added to the American Fork City Code.

The City Council of American Fork hereby directs that the provisions enacted by this ordinance shall be made and placed in the American Fork City Code.

Section 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE
OF UTAH, ON THIS ____ DAY OF _____, 202__.**

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

UNAPPROVED MINUTES

07.08.2026

The staff has initiated for a Code Text Amendment to amend Section 15.16 of the American Fork City Municipal Code. The proposed amendment seeks to amend the municipal code to ensure compliance with updated and revised FEMA regulations and maps which went effective June 23, 2026. The amendment adds definitions, adds requirements for floodplain permit applications and floodplain administrator duties, provides variance standards, adds sections about substantial damages, updates roadway and finished floor elevation requirements and adds coastal flood zones around Utah Lake into ordinance which are newly identified in the updated FEMA flood maps. It also creates stop work order authority for noncompliant violators of this ordinance.

Geoff Dupaix moved to recommend approval for the proposed Code Text Amendment, amending Section 15.16, titled Floodplain Management, related to amending the municipal code to ensure compliance with updated and revised FEMA maps and regulations, and providing an effective date for the ordinance.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Geoff Dupaix	AYE

The motion passed

- b. Review and recommendation on a proposed Code Text Amendment, known as Easements, of the American Fork City Municipal Code. Amending Section 15.01.110, the Code Text Amendment plans to clarify the required conveyance documents for easements.**

The staff has initiated for a Code Text Amendment to amend Section 15.01.110 of the American Fork City Municipal Code. The proposed amendment looks to establish what document type must be used to convey easements, requiring conveyance on a plat when a plat is required, and a

UNAPPROVED MINUTES

07.08.2026

graphical exhibit tied to the Utah County Surveyor's monument system when a plat is not required.

Chris Christiansen moved to recommend approval for the proposed Code Text Amendment, amending Section 15.01.110, titled Easements, related to clarifying the required conveyance documents for easements, and providing an effective date for the ordinance.

Geoff Dupaix seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Geoff Dupaix	AYE

The motion passed

- c. Review and recommendation on a proposed Code Text Amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone.**

Cody Opperman reviewed the background information for Action Item letter c: The applicant has applied for a Code Text Amendment to amend Section 17.4.601 PF Public Facilities Zone of the American Fork City Municipal Code. The proposed amendment looks to provide Natural Gas Regulator Stations as a conditional use within the PF Zone.

Two options are presented to the Planning Commission, and later on to the City Council, for their determination. Option "A" provides a Code Text Amendment where "natural gas facilities" are identified within the permitted uses of the PF Zone. Option "B" provides a Code Text Amendment where "natural gas regulator stations" are a conditional use.



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Planning **Director Approval** Patrick O'Brien

AGENDA ITEM Review and action on an ordinance approving a code text amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Chapter 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.

SUMMARY RECOMMENDATION

Staff recommends approval of the amendments to Chapter 15.16 of the American Fork City Code entitled Floodplain Management. This item was recommended for approval at the 07.08.2026 Planning Commission meeting.

BACKGROUND

The staff has initiated for a Code Text Amendment to amend Chapter 15.16 of the American Fork City Municipal Code. The proposed amendment seeks to amend the municipal code to ensure compliance with updated and revised FEMA regulations and maps which went effective June 23, 2026. The amendment adds definitions, adds requirements for floodplain permit applications and floodplain administrator duties, provides variance standards, adds sections about substantial damages, updates roadway and finished floor elevation requirements and adds coastal flood zones around Utah Lake into ordinance which are newly identified in the updated FEMA flood maps. It also creates stop work order authority for noncompliant violators of this ordinance.

BUDGET IMPACT

N/A

SUGGESTED MOTION

Move to adopt the ordinance amending Chapter 15.16 of the American Fork City Code entitled Floodplain Management, subject to all conditions identified in the public record of the July 8, 2026, Planning Commission meeting.

SUPPORTING DOCUMENTS

Section 15.16_Ordinance_Code Text Amendment (DOCX)

1. 15.16 Floodplain Management_Redlines (PDF)
 2. 15.16 Floodplain Management_Final (PDF)
- CTA - Floodplain Management_UNAPPROVED MINUTES (PDF)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.16 TITLED FLOODPLAIN MANAGEMENT PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, Utah Code §§ 10-20-501 and 503 of Utah Code Annotated, 1953, as amended grants the City authority to enact, adopt and amend land use regulations; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2026, to consider a Code Text Amendment to amend Section 15.16; and

WHEREAS, at its recommendation meeting, the Planning Commission voted in favor of a positive recommendation to the City Council of American Fork on July 8, 2026; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork City to amend Section 15.16 relating to Floodplain Management.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 15.16 of the American Fork Municipal Code is hereby amended to read as follows:

CHAPTER 15.16 FLOODPLAIN MANAGEMENT

[Sec 15.16.010 Findings Of Fact](#)

[Sec 15.16.020 Statement Of Purpose](#)

[Sec 15.16.030 Methods Of Reducing Flood Losses](#)

[Sec 15.16.040 Definitions](#)

[Sec 15.16.050 Applicability](#)

[Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard](#)

[Sec 15.16.070 Compliance](#)

[Sec 15.16.080 Abrogation And Greater Restrictions](#)

[Sec 15.16.090 Interpretation](#)

[Sec 15.16.100 Warning And Disclaimer Of Liability](#)

[Sec 15.16.110 Development Permit - Required - Contents](#)

[Sec 15.16.120 Designation Of The Local Administrator](#)

[Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities](#)

[Sec 15.16.140 Floodplain Administrator - Permit Review](#)

[Sec 15.16.150 Use Of Other Base Flood Data](#)

[Sec 15.16.160 Information To Be Obtained And Maintained](#)

[Sec 15.16.170 Alteration Of Watercourses](#)

[Sec 15.16.180 Interpretation Of FIRM Boundaries](#)

[Sec 15.16.190 General Standards](#)

[Sec 15.16.200 Anchoring](#)

[Sec 15.16.210 Construction Materials And Methods](#)

[Sec 15.16.220 Utilities](#)

[Sec 15.16.230 Subdivision Proposals](#)

[Sec 15.16.240 Encroachments](#)

[Sec 15.16.250 Specific Standards](#)

[Sec 15.16.260 Residential Construction](#)

[Sec 15.16.270 Nonresidential Construction](#)

[Sec 15.16.280 Enclosures](#)

[Sec 15.16.290 Standards For Areas Of Shallow Flooding \(AO/AH Zones\)](#)

[Sec 15.16.300 Floodways](#)

[Sec 15.16.400 Penalty](#)

[Sec 15.16.500 Severability](#)

Sec 15.16.000 Statutory Authorization

The Legislature of the State of Utah Code. Ann. § 10-3-701 has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of American Fork City, State of Utah, does ordain as follows:

American Fork City 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.

Sec 15.16.010 Findings Of Fact

1. The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:

1. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, floodproofed, elevated or otherwise protected from flood damage.
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

Sec 15.16.020 Statement Of Purpose

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities including but not limited to water, pressurized irrigation, sanitary sewer and gas mains; electric, telephone and communication lines; streets, culverts, storm drain pipes and bridges located in areas of special flood hazard or that are susceptible to flooding;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. Ensure that those who occupy or own the areas of special flood hazards assume responsibility for their actions.
9. Minimize public expenditures on flood control projects.
10. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

Sec 15.16.030 Methods Of Reducing Flood Losses

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

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

Sec 15.16.040 Definitions

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

1. **100-Year Flood.** 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.
2. **500-Year Flood.** 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 500 years and mandatory flood insurance requirement generally does not apply.
3. **Accessory Structure.** 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.
4. **Addition.** 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.
5. **Area of Future-Conditions Flood Hazard.** The land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
6. **Area of Special Flood-Related Erosion Hazard** is the land within the City 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.
7. **Area of shallow flooding.** A designated AO, AH or VO zone on a City's (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three 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.
8. **Area of special flood hazard.** The land in the floodplain within a City subject to a one percent 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, AE, AH, A1-30, AO, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, V1-30, VE or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.
9. **Base flood.** The flood having a one percent change of being equaled or exceeded in any given year.
10. **Base Flood Elevation (BFE).** 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, V1-30, 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.

11. **Basement.** 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.
12. **Best Available Data.** Existing flood hazard information adopted by the City 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 City.
13. **Breakaway Wall.** 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.
14. **Channelization.** The artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.
15. **Coastal A Zone (CAZ).** An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))
16. **Coastal Barrier Resources System (CBRS).** Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).
17. **Coastal High Hazard Area.** A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.
18. **Code of Federal Regulations (CFR).** The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
19. **Conditional Letter of Map Revision (CLOMR).** 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.

20. Conditional Letter of Map Revision Based on Fill (CLOMR-F). 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.
21. Crawlpace. An under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
22. Critical Facility. 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.
23. Deed Restriction. 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.
24. Detached Garage. 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.
25. Development. Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
26. Elevated building. A non-basement building (i) 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 (ii) 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(e)(5) of the National Flood Insurance Program regulations.
27. Enclosure. 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.
28. Erosion. The process of the gradual wearing away of land masses by wind, water, or other natural agents.
29. Existing Construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

30. Existing manufactured home park or subdivision. 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 by a City.
31. Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the 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). Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters, and/or
 2. the unusual and rapid accumulation or runoff of surface waters from any source.
32. FEMA. The Federal Emergency Management Agency.
33. Fill. 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 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.
34. Flood or Flooding means:
 1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 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.
35. Flood Insurance Rate Map (FIRM). An official map of the City on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
36. Flood Insurance Study (FIS) or Flood Elevation Study. 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. The FIS contains flood profiles, water surface

- elevation of the base flood, as well as the Flood Boundary-Floodway Map (FBFM) (if applicable), FIRM and supporting technical data.
37. Floodplain Development Permit. A City issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the City. It is used to address the proposed development to ensure compliance with the City's ordinance.
 38. Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).
 39. Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works mitigation plans and floodplain management regulations.
 40. Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
 41. Flood Opening. 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.
 42. Flood Protection System. 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 the City subject to an SFHA 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 have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the CFR (44 CFR 65.10).
 43. Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. 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 floodwaters to enter the structure or area.
 44. Floodway (also Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
 45. Floodway Encroachment Lines. The lines marking the limits of floodways on federal, state, and local flood plain maps.
 46. Freeboard. 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.

47. Functionally Dependent Use. A use which 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 does not include long-term storage or related manufacturing facilities.
48. Highest adjacent grade. 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.
49. Historic Structure. 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 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:
 1. by an approved state program as determined by the Secretary of the Interior or;
 2. directly by the Secretary of the Interior in states without approved programs.
50. Letter of Map Amendment (LOMA). 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.
51. Letter of Map Revision (LOMR). 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.
52. Letter of Map Revision Based on Fill (LOMR-F). 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.
53. Levee. A human-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.

54. Levee System. A flood protection system that 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.
55. Limit of Moderate Wave Action (LiMWA). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).
56. Lowest Adjacent Grade (LAG). 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.
57. Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.
58. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home does not include a "recreational vehicle".
59. Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
60. Map. The FHBM or the FIRM for the City issued by FEMA
61. Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which BFEs shown on the City's Flood Insurance Rate Map are referenced. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the NAVD 88, refer to the FIRM.
62. Mixed Use Structures. Structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.
63. New Construction. 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 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.
64. New Manufactured Home Park or Subdivision. 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 the City.
65. No-Rise Certifications. 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 City during the occurrence of a base flood event.

66. Physical Map Revision (PMR). FEMA's action whereby one or more map panels are physically revised and republished.
67. Recreational Vehicle. A vehicle which is:
 1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projections;
 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.
68. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
69. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
70. Section 1316. 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.
71. Special Flood Hazard Area—see Area of Special Flood Hazard.
72. 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 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 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.
73. Structure.
 1. 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.
 2. For insurance purposes is:
 1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;

2. A manufactured home (also known as a mobile home) built on a permanent chassis transported to its site in one or more sections and affixed to a permanent foundation;
 3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the City's floodplain management and building ordinances or laws;
 4. A gas or liquid storage tank, that is principally above ground and permanently affixed to a permanent site.
3. 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.
74. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
75. Substantial Improvement. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This 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 that have been identified by the local code enforcement official and are the minimum necessary requirements 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".
76. Variance. A grant of relief by the local code enforcement official from the regulations of the Floodplain Management Ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).
77. Violation. The failure of a structure or other development to be fully compliant with the City's Floodplain Management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.
78. Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (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.
79. Watercourse. The channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Sec 15.16.050 Applicability

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City as identified by FEMA or in areas of identified and documented flood risk supported using Best Available Data. When the City annexes any land from a neighboring jurisdiction or unincorporated, the annexed land shall also be managed and regulated by Section 15.16.

Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard

The areas of special flood hazard identified by FEMA as shown on the accompanying FIRMs and FBFMs or DFIRM and other supporting data including any revisions thereto are hereby adopted by reference and declared to be part of the ordinance codified in this chapter. The FIRMs referred to herein are on file at the office of the Floodplain Administrator and include the following FIRMs:

1. FIRM Panels 49049C0164F, 49049C0166F, 49049C0168F, 49049C0169F and 49049C0307G effective 6/19/2020.
2. FIRM Panels 49049C0302G, 49049C0306G and 49049C0308G effective 6/23/2026.
- 3.

For areas along the American Fork River south of I-15 where specific floodplains, floodways and BFEs have not been established, it shall be the responsibility of the applicant for any development, construction or reconstruction within 1,800 feet on either side of the American Fork River to provide the necessary riverine studies, letters of map revisions (LOMR) and other related analysis or approvals from FEMA to determine the floodways, floodplains, and BFE's as it relates to their application and any necessary additional information to determine all special flood hazard areas impacting their application. Any improvements necessary along the American Fork River to provide sufficient conveyance of the 100-year flood event shall be required for all developments wherein the American Fork River traverses the property or is adjacent to the property. This may include, but is not limited to, dedicating additional width of right-of-way along the banks of the American Fork River to convey the 100-year flood event.

Where Base Level Engineering is available Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas, where BFE and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.

4. BFEs, floodway, and floodplain boundaries delineated by Base Level Engineering shall take precedence over BFEs, floodway, and floodplain boundaries delineated by effective FIRMs and in Flood Insurance Studies (FIS), if the Base Level Engineering shows increased floodplain or floodway boundaries and/or higher BFEs.
5. BFEs and designated floodway boundaries on effective FIRMs and in Flood Insurance Studies shall take precedence over BFE and floodway boundaries delineated by Base Level Engineering if the FIRMs and/or Flood Insurance Studies show reduce floodway width and/or lower BFEs.

Sec 15.16.070 Compliance

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

Sec 15.16.080 Abrogation And Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or

deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec 15.16.090 Interpretation

In the interpretation and application of this chapter, 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.

Sec 15.16.100 Warning And Disclaimer Of Liability

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

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

Sec 15.16.110 Development Permit - Required - Contents

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.16.060. Application for a development permit shall be made on forms furnished by the City engineer's office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures, fill, storage of materials, drainage facilities, proposed landscape alterations, the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard.
2. Specifically, the following information is required:
 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 SFHAs.
 4. Elevation in relation to mean sea level of the lowest floor (including basement and crawlspace) of all new and substantially improved structures;
 5. Elevation in relation to mean sea level to which any nonresidential structure shall be or has been floodproofed;
 6. Certification by a registered professional engineer or architect that the nonresidential floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.16.270 and the NFIP Regulations;
 7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

3. All records of all such information shall become property of the City and be maintained as a permanent record at the office of the Floodplain Administrator.

Sec 15.16.120 Designation Of The Local Administrator

The City engineer's office is appointed as the Floodplain Administrator to administer and implement this chapter and other appropriate sections of 44 CFR pertaining to floodplain management.

Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities

Duties of the Floodplain Administrator shall include but not be limited to those listed in this chapter and the following:

1. Uphold the goals of the City and the NFIP to reduce risk when possible and increase the City'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. 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.
8. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize Best Available Data.

Sec 15.16.135 Requirement to Submit New Technical Data

1. The property owner, applicant or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant has obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner, applicant 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.
4. 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.

Sec 15.16.140 Floodplain Administrator - Permit Review

The Floodplain Administrator shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from 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) from which prior approval is required.
3. Review all development permits to determine if the proposed development or altered or relocated portion of any watercourse adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, "adversely affects" means damage to adjacent, upstream or downstream properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration
 2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
 3. If the proposed development is a building, then the provisions of this chapter shall apply.
 4. If a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM maps adopted by the City, unless it is determined 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 foot at any point within the City.
 5. At the discretion of the Floodplain Administrator, the City may approve certain development in Zones A1-30, AE and AH on the City's FIRM which increases the water surface elevation of the base flood by more than one foot provided that the City first meets the requirements per the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations for a conditional FIRM revision through FEMA's CLOMR process
4. Notify, in riverine situations, adjacent communities and the State Floodplain Manager who is located in the Utah's Division of Emergency Management office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA as required.
5. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter 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 floodwaters 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.
6. Variance Procedures. The appeal Board as established by the City shall hear and render judgement on requests for variances from the requirements of this ordinance.
1. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
 2. Any person or persons aggrieved by the decision of the Appeal Board 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 FEMA and the State Coordinating Agency upon issuing a variance.
 4. 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.
 5. 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 Section 15.16.110 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
 7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 8. 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.
 9. 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.
 2. Variances shall only be issued upon:
 1. Showing a good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, 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.
 3. 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 BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
1. The criteria outlined in Sections 15.16.140.6.1-9 are met, and
 2. 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.

Sec 15.16.150 Use Of Other Base Flood Data

The Floodplain Administrator shall obtain, review, and reasonably utilize any BFE and floodway data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in SFHA.

Sec 15.16.160 Information To Be Obtained And Maintained

The Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved non-residential floodproofed structures:
 1. Verify and record the actual elevation (in relation to mean sea level) to which the non-residential structure has been floodproofed;
 2. Maintain the floodproofing certifications required in Section 15.16.110(B)(C);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

Sec 15.16.170 Alteration Of Watercourses

The Floodplain Administrator shall:

1. Notify adjacent communities and the FEMA prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Sec 15.16.180 Interpretation Of FIRM Boundaries

The Floodplain Administrator shall make interpretations, where 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).

Sec 15.16.190 General Standards

In all areas of special flood hazards, the following standards in Sections 15.16.200 through 15.16.270 are required for all development, new construction and substantial improvements. All flood permit applications and supportive documents shall be submitted by the applicant and shall demonstrate that the sites are reasonably safe from flooding. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

Sec 15.16.191 Substantial Improvement

If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. 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

Sec 15.16.192 Substantial Damage

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.

Sec 15.16.193 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 City 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 Section 15.16.191; and
 1. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
 2. 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.
 3. 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.

Sec 15.16.200 Anchoring

1. All new construction and substantial improvements shall be designed, modified and constructed to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All manufactured homes to be placed within Zone A on the City's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy. 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. Specific requirements may be:
 1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
 4. Any additions to the manufactured home be similarly anchored.
3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, AE, V and VE on the City's FIRM on sites
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision or
 4. 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 BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 4.
5. Manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, AO, AE, V and VE on the City's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 1. The lowest floor of the manufactured home is at or above the BFE, or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
6. Recreational Vehicles placed on sites within Zones A1-30, AH, AO, AE, V and VE on the City's FIRM either:
 1. Be on the site for fewer than 180 consecutive days,
 2. Be fully licensed and ready for highway use, or
 3. Meet the permit requirements of this ordinance, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. 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.

Sec 15.16.210 Construction Materials And Methods

All new construction and substantial improvements shall be designed, modified and constructed with materials and utility equipment resistant to flood damage.

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

Sec 15.16.220 Utilities

1. All new and replacement water supply systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec 15.16.230 Subdivision Proposals

1. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage and shall comply with the requirements of this ordinance;
2. All subdivision proposals including, but not limited to, 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;

3. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. BFE data shall be provided for subdivision proposals including the placement of manufactured home parks and subdivisions and other proposed development which contain at least fifty lots or five acres (whichever is less).

Sec 15.16.240 Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Sec 15.16.250 Specific Standards

In all areas of special flood hazards where BFE data has been provided as set forth in Sections 15.16.060 and 15.16.150 and in areas of known or suspected flood risk areas, the standards in Sections 15.16.260 and 15.16.270 shall apply. Additionally, all roadways constructed within areas of special flood hazards shall be constructed so that the top back of curb is at least one foot above the BFE. Where the BFE has not been determined, it shall be required to establish the BFE prior to construction of the roadway. All finished floor elevations and garage floor slabs shall be constructed at least one foot above the top back of curb elevation of all roadways adjacent to the structure or at least two feet above the BFE, whichever is greater.

Sec 15.16.260 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this section as proposed in Section 15.16.110 is satisfied.

Sec 15.16.270 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be developed and/or reviewed and certified by a registered professional engineer or architect that the design, specifications, plans and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this

section. Such certifications which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the Floodplain Administrator who shall maintain such records. 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 including Section 15.16.260. 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.

Sec 15.16.280 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable 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:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

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 BFE.

Sec 15.16.284 Crawlspace for Zones A1-30, A and AE

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:

1. 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 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. 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 1 foot above the LAG.
3. 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 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. 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 floodwaters.

5. 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.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
7. 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 4 feet at any point.
8. 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.
9. 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.

Sec 15.16.290 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 15.16.060 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet 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. Within Zones AO/AH all new construction and substantial improvements of residential structures shall 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 City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard.
2. Within Zone AO all new construction and substantial improvements of non-residential structures shall;
 1. 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 City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard, or;
 2. 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 Section 15.16.140, 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.

Sec 15.16.300 Floodways

Floodways - located within areas of special flood hazard established in Section 15.16.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than 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 City during the occurrence of the base flood discharge.
3. If Section 15.16.300.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the City first applies for a conditional FIRM and floodway revision through FEMA.

Sec 15.16.310 Coastal High Hazard Area (Zone V and/or VE)

Coastal High Hazard Areas are SFHA established in Section 15.16.060 that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of this chapter:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the City's FIRM is located landward of the reach of mean high tide;
3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the base flood elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system

or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:

1. Breakaway walls shall meet the following design specifications:
 1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.
5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
 1. Water loading values used shall be those associated with the base flood plus one foot of freeboard.
 2. Wind loading values used shall be those required by the current edition of the Utah State Building Code.
6. Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the City's FIRM.
7. Prohibit human-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the City's FIRM which would increase potential flood damage.

Sec 15.16.320 Elevated Buildings

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all requirements of this chapter.

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Utah County Recorder's Office and shall transfer with the property in perpetuity.
4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

Sec 15.16.390 Stop Work Order

1. Authority. Whenever the floodplain administrator or other City 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

Sec 15.16.400 Penalty

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 \$300 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec 15.16.500 Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be effected.

PART II PROVISIONS AND ADOPTION

Section 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 2. Amendments to be added to the American Fork City Code.

The City Council of American Fork hereby directs that the provisions enacted by this ordinance shall be made and placed in the American Fork City Code.

Section 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS ____ DAY OF _____, 202__.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

CHAPTER 15.16 FLOODPLAIN MANAGEMENT

Sec 15.16.010 Findings Of Fact

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Sec 15.16.030 Methods Of Reducing Flood Losses

Sec 15.16.040 Definitions

Sec 15.16.050 Applicability

Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard

Sec 15.16.070 Compliance

Sec 15.16.080 Abrogation And Greater Restrictions

Sec 15.16.090 Interpretation

Sec 15.16.100 Warning And Disclaimer Of Liability

Sec 15.16.110 Development Permit - Required - Contents

Sec 15.16.120 Designation Of The Local Administrator

Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities

Sec 15.16.140 Floodplain Administrator - Permit Review

Sec 15.16.150 Use Of Other Base Flood Data

Sec 15.16.160 Information To Be Obtained And Maintained

Sec 15.16.170 Alteration Of Watercourses

Sec 15.16.180 Interpretation Of FIRM Boundaries

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Sec 15.16.220 Utilities

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Sec 15.16.260 Residential Construction

Sec 15.16.270 Nonresidential Construction

Sec 15.16.280 Enclosures

Sec 15.16.290 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Sec 15.16.300 Floodways

Sec 15.16.400 Penalty

Sec 15.16.500 Severability

Sec 15.16.000 Statutory Authorization

The Legislature of the State of Utah Code. Ann. § 10-3-701 has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Therefore, the City Council of American Fork City, State of Utah, does ordain as follows:

American Fork City 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.

Sec 15.16.010 Findings Of Fact

1. The flood hazard areas of the ~~city~~City are subject to periodic inundation which results in ~~potential~~ loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:
 1. ~~†~~The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities.
 2. ~~-, and by †~~The occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, floodproofed, elevated or otherwise protected from flood damage.
 - 2.3. ~~_____~~ Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

Sec 15.16.020 Statement Of Purpose

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and ~~are~~ generally undertaken ~~ing~~ at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities ~~including but not limited to such as~~ water, ~~pressurized irrigation, sanitary sewer~~ and gas mains; ~~electric, telephone and communication sewer lines;~~ streets, ~~culverts, storm drain pipes~~ and bridges located in areas of special flood hazard ~~or that are susceptible to flooding;~~
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. Ensure that those who occupy or own the areas of special flood hazards assume responsibility for their actions.
9. ~~Minimize public expenditures on flood control projects.~~
- 8.10. ~~_____~~ Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

Sec 15.16.030 Methods Of Reducing Flood Losses

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

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

Sec 15.16.040 Definitions

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

1. 100-Year Flood. 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.
2. 500-Year Flood. 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 500 years and mandatory flood insurance requirement generally does not apply.
3. Accessory Structure. 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.
4. Addition. 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.
5. Area of Future-Conditions Flood Hazard. The land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
6. Area of Special Flood-Related Erosion Hazard is the land within the City 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.

- 1-7. Area of shallow flooding. A designated AO, AH, or VO zone on a City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three 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.
- 2-8. Area of special flood hazard. The land in the floodplain within a City subject to a one percent 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, AE, AH, A1-30, AO, A1-99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/AVO, V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
- 3-9. Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.
- 4-10. Base Flood Elevation (BFE). 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.
11. Basement. 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.
12. Best Available Data. Existing flood hazard information adopted by the City 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 City.
13. Breakaway Wall. 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.
14. Channelization. The artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

15. Coastal A Zone (CAZ). An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))
16. Coastal Barrier Resources System (CBRS). Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).
17. Coastal High Hazard Area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.
18. Code of Federal Regulations (CFR). The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
19. Conditional Letter of Map Revision (CLOMR). 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.
20. Conditional Letter of Map Revision Based on Fill (CLOMR-F). 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.
21. Crawlspace. An under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
22. Critical Facility. 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.
23. Deed Restriction. 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.
24. Detached Garage. 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.

5-25. Development. Any ~~human-made~~~~manmade~~ change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

6-26. Elevated building. A non-basement building (i) 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 (ii) 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(e)(5) of the National Flood Insurance Program regulations.

27. Enclosure. 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.

28. Erosion. The process of the gradual wearing away of land masses by wind, water, or other natural agents.

7-29. Existing Construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

8-30. Existing manufactured home park or subdivision. 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 by a ~~city~~~~City~~.

9-31. Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the 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). Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

32. FEMA. The Federal Emergency Management Agency.

33. Fill. 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 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.

34. Flood or Flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
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.

~~10-35.~~ Flood Insurance Rate Map (FIRM). An official map of the City community on which the Federal Emergency Management Agency FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the city City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

~~11-36.~~ Flood Insurance Study (FIS) or Flood Elevation Study. 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. The official report provided by the Federal Emergency Management Agency. The FIS report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (FBFM) (if applicable), FIRM Flood Insurance Rate Map and supporting technical data.

37. Floodplain Development Permit. A City issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the City. It is used to address the proposed development to ensure compliance with the City's ordinance.

~~12-38.~~ Floodplain of a Flood-prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

~~13~~39. Floodplain ~~m~~Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works mitigation plans and floodplain management regulations.

~~14~~40. Floodplain ~~m~~Management ~~r~~Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

41. Flood Opening. 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.

~~15~~42. Flood ~~p~~Protection ~~s~~System. 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 ~~at the -city~~City subject to an SFHA "special flood hazard" and to reduce the extent of 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 have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the CFR (44 CFR 65.10).

~~16~~43. Flood-proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. 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 floodwaters to enter the structure or area.

~~17~~44. Floodway (also ~~r~~Regulatory ~~f~~Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

45. Floodway Encroachment Lines. The lines marking the limits of floodways on federal, state, and local flood plain maps.

46. Freeboard. 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.

~~18-47.~~ Functionally dDependent ~~uU~~se. A use which 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 does not include long-term storage or related manufacturing facilities.

~~19-48.~~ Highest adjacent grade. 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.

~~20-49.~~ Historic Structure. 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 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:
 1. by an approved state program as determined by the Secretary of the Interior or;
 2. directly by the Secretary of the Interior in states without approved programs.

50. Letter of Map Amendment (LOMA). 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.

51. Letter of Map Revision (LOMR). 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.

52. Letter of Map Revision Based on Fill (LOMR-F). 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.

53. Levee. A human-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.

54. Levee System. A flood protection system that 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.
55. Limit of Moderate Wave Action (LiMWA). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).
56. Lowest Adjacent Grade (LAG). 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.
- 21-57. Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.
- 22-58. Manufactured ~~H~~home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home does not include a "recreational vehicle".
- 23-59. Manufactured ~~h~~Home ~~p~~Park or ~~s~~Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
60. Map. The FHBM or the FIRM for the City issued by FEMA
- 24-61. Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which ~~base flood elevation~~BFEs shown on ~~the a city~~City's Flood Insurance Rate Map are referenced. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the NAVD 88, ~~please~~ refer to the FIRM.
62. Mixed Use Structures. Structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.
- 25-63. New Construction. 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 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by ~~the City~~a community and includes any subsequent improvements to such structures.
- 26-64. New Manufactured Home Park or Subdivision. 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 ~~the City~~by a community.

65. No-Rise Certifications. 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 City during the occurrence of a base flood event.

66. Physical Map Revision (PMR). FEMA's action whereby one or more map panels are physically revised and republished.

27-67. _____ Recreational Vehicle. A vehicle which is:

1. ~~b~~Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. ~~d~~Designed to be self-propelled or permanently towable by a light duty truck; and
4. ~~d~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

68. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

69. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

70. Section 1316. 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.

71. Special Flood Hazard Area—see Area of Special Flood Hazard.

28-72. _____ 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 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 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.

73. Structure.

1. 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.

~~29-2.~~ For insurance purposes is:

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

~~4-3.~~ 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.

~~30-74.~~ Substantial ~~d~~Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed ~~fifty~~ (50) percent of the market value of the structure before the damage occurred.

~~31-75.~~ Substantial ~~i~~Improvement. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before ~~the~~ "start of construction" of the improvement. This 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 comply with existing state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum~~sotely~~ necessary requirements 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" listed on the National Register of Historic Places or a state inventory of historic places.

~~32-76.~~ Variance. ~~A grant of relief by the local code enforcement official from the regulations of the Floodplain Management Ordinance. 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.).

~~33-77.~~ Violation. The failure of a structure or other development to be fully compliant with the ~~City~~community's ~~f~~Floodplain ~~m~~Management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections ~~44~~ CFR

60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

78. Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (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.

34-79. ~~Watercourse. The channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.~~

Sec 15.16.050 Applicability

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the ~~city~~City as identified by FEMA or in areas of identified and documented flood risk supported using Best Available Data. When the ~~city~~City annexes any land from a neighboring jurisdiction or unincorporated, the annexed land shall also be managed and regulated by Section 15.16.

Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard

The areas of special flood hazard identified by ~~FEMA the Federal Emergency Management Agency (FEMA) as shown on in scientific and engineering report entitled, "The Flood Insurance Study for Utah County, Utah and Incorporated Areas", dated June 19, 2020 with the~~ accompanying ~~Flood Insurance Rate Maps (FIRMs) and Flood Boundary-Floodway Maps (FBFMs) or DFIRM and other supporting data including and~~ any revisions thereto are hereby adopted by reference and declared to be part of the ordinance codified in this chapter. The FIRMs~~s~~ referred to herein are on file at the office of the Floodplain Administrator and include the following FIRMs:-

1. FIRM Panels 49049C0164F, 49049C0166F, 49049C0168F, 49049C0169F and 49049C0307G effective 6/19/2020.
2. FIRM Panels 49049C0302G, 49049C0306G and 49049C0308G effective 6/23/2026.
- 3.

For areas along the American Fork River south of I-15 where specific floodplains, floodways and ~~base flood elevations (BFEs)~~ have not been established, it shall be the responsibility of the applicant for any development, construction or reconstruction within 1,800 feet on either side of the American Fork River to provide the necessary riverine studies, letters of map revisions (LOMR) and other related analysis or approvals from FEMA to determine the floodways, floodplains, and BFE's as it relates to their application and any necessary additional information to determine all special flood hazard areas impacting their application. Any improvements necessary along the American Fork River to provide sufficient conveyance of the 100-year flood event shall be required for all developments wherein the American Fork River traverses the property or is adjacent to the property. This may include, but is not limited to, dedicating additional width of right-of-way along the banks of the American Fork River to convey the 100-year flood event.

Where Base Level Engineering is available Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas, where BFE and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.

4. BFEs, floodway, and floodplain boundaries delineated by Base Level Engineering shall take precedence over BFEs, floodway, and floodplain boundaries delineated by effective FIRMs and in Flood Insurance Studies (FIS), if the Base Level Engineering shows increased floodplain or floodway boundaries and/or higher BFEs.
5. BFEs and designated floodway boundaries on effective FIRMs and in Flood Insurance Studies shall take precedence over BFE and floodway boundaries delineated by Base Level Engineering if the FIRMs and/or Flood Insurance Studies show reduce floodway width and/or lower BFEs.

Sec 15.16.070 Compliance

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

Sec 15.16.080 Abrogation And Greater Restrictions

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

Sec 15.16.090 Interpretation

In the interpretation and application of this chapter, 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.

Sec 15.16.100 Warning And Disclaimer Of Liability

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

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

Sec 15.16.110 Development Permit - Required - Contents

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.16.060. Application for a development permit shall be made on forms furnished by the ~~city~~City engineer's office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures, fill, storage of materials, drainage facilities, proposed landscape alterations, the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard.
2. Specifically, the following information is required:
 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 SFHAs.
 - ~~1-4.~~ Elevation in relation to mean sea level of the lowest floor (including basement and crawlspace) of all new and substantially improved structures;
 - ~~2-5.~~ Elevation in relation to mean sea level to which any nonresidential structure shall be or has been floodproofed;
 - ~~3-6.~~ Certification by a registered professional engineer or architect that the nonresidential floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.16.270 and the NFIP Regulations; and
 - ~~4-7.~~ Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
3. All records of all such information shall become property of the City and be maintained as a permanent record at the office of the Floodplain Administrator.

Sec 15.16.120 Designation Of The Local Administrator

The ~~city~~City engineer's office is appointed as the Floodplain Administrator to administer and implement this chapter and other appropriate sections of 44 CFR ~~(National Flood Insurance Program Regulations)~~ pertaining to floodplain management.

Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities

Duties of the Floodplain Administrator shall include but not be limited to those listed in this chapter~~Sections 15.16.140 through 15.16.180~~ and the following:-

1. Uphold the goals of the City and the NFIP to reduce risk when possible and increase the City'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. 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.
8. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize Best Available Data.

Sec 15.16.135 Requirement to Submit New Technical Data

1. The property owner, applicant or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant has obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner, applicant 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.
4. 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.

Sec 15.16.140 Floodplain Administrator - Permit Review

The Floodplain Administrator shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from 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) from which prior approval is required.
3. Review all development permits to determine if the proposed development or altered or relocated portion of any watercourse adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, "adversely affects" means damage to adjacent, upstream or downstream properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration
2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
3. If the proposed development is a building, then the provisions of this chapter shall apply.
4. If a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM maps adopted by the ~~city~~City, unless it is determined 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 foot at any point within the ~~city~~City.
5. At the discretion of the Floodplain Administrator, the ~~city~~City may approve certain development in Zones A1-30, AE and AH on the ~~city~~City's FIRM which increases the water surface elevation of the base flood by more than one foot ~~provided that the City first meets the requirements~~ per the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations; ~~provided that the city first applies~~ for a conditional FIRM revisions through FEMA's CLOMR process ~~(Conditional Letter of Map Revision) and receives the appropriate approval from FEMA.~~
4. Notify, in riverine situations, adjacent communities and the State Floodplain Manager who is located in the Utah's Division of Emergency Management office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the ~~Federal Emergency Management Agency~~FEMA as required.
5. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter 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 floodwaters 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.
6. Variance Procedures. The appeal Board as established by the ~~city~~City shall hear and render judgement on requests for variances from the requirements of this ordinance.

1. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
2. Any person or persons aggrieved by the decision of the Appeal Board 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~~FEMA and the State Coordinating Agency upon ~~issuing a variance~~request.
4. 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.
5. 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 Section 15.16.110 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. 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.

9. 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.
 2. Variances shall only be issued upon:
 1. Showing a good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, ~~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.
 3. 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 BFEbase flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued by the ~~city~~City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
1. ~~t~~The criteria outlined in Sections s 15.16.140.6.1-9 are met, and
 2. ~~t~~The structure or other development is protected by methods that minimize flood damages ~~s~~ during the base flood and create no additional threats to public safety.

Sec 15.16.150 Use Of Other Base Flood Data

The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevationBFE and floodway data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in SFHAzone A meets Section 15.16.250.

Sec 15.16.160 Information To Be Obtained And Maintained

The Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved non-residential floodproofed structures:
 1. Verify and record the actual elevation (in relation to mean sea level) to which the non-residential structure has been floodproofed;
 2. Maintain the floodproofing certifications required in Section 15.16.110(B)(C);

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

Sec 15.16.170 Alteration Of Watercourses

The Floodplain Administrator shall:

1. Notify adjacent communities and the Federal Emergency Management AgencyFEMA prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management AgencyFEMA.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Sec 15.16.180 Interpretation Of FIRM Boundaries

The Floodplain Administrator shall make interpretations, where 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).

Sec 15.16.190 General Standards

In all areas of special flood hazards, the following standards in Sections 15.16.200 through 15.16.270 are required for all development, new construction and substantial improvements. All flood permit applications and supportive documents shall be submitted by the applicant and shall demonstrate that the sites are reasonably safe from flooding. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

Sec 15.16.191 Substantial Improvement

If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. 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

Sec 15.16.192 Substantial Damage

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.

Sec 15.16.193 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 City 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. Any 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 Section 15.16.191; and
 1. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
 2. 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.
 3. 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.

Sec 15.16.200 Anchoring

1. All new construction and substantial improvements shall be designed, modified and constructed to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All manufactured homes to be placed within Zone A on the ~~city~~City's FHB or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy. 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. Specific requirements may be:
 1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate

locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
4. Any additions to the manufactured home be similarly anchored.

3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, ~~and~~ AE, ~~V and VE~~ on the ~~city~~City's FIRM on sites

1. ~~(i)~~ ~~o~~ Outside of a manufactured home park or subdivision;~~;~~

2. ~~(ii)~~ ~~i~~ In a new manufactured home park or subdivision;~~;~~

3. ~~(iii)~~ ~~i~~ In an expansion to an existing manufactured home park or subdivision;~~;~~
or

4. ~~(iv)~~ ~~i~~ 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~~BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3.4.

4.5. Manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, ~~AO, and~~ AE, ~~V and VE~~ on the ~~city~~City's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1. ~~t~~The lowest floor of the manufactured home is at or above the ~~base flood elevation~~BFE, or
2. ~~t~~The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5.6. Recreational Vehicles placed on sites within Zones A1-30, AH, ~~AO, and~~ AE, ~~V and VE~~ on the ~~city~~City's FIRM either:

1. ~~b~~Be on the site for fewer than 180 consecutive days,
2. ~~b~~Be fully licensed and ready for highway use, or
3. ~~m~~Meet the permit requirements of ~~this ordinance~~Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. 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.

Sec 15.16.210 Construction Materials And Methods

All new construction and substantial improvements shall be designed, modified and constructed with materials and utility equipment resistant to flood damage.

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

Sec 15.16.220 Utilities

1. All new and replacement water supply systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec 15.16.230 Subdivision Proposals

1. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage and shall comply with the requirements of ~~this ordinance Sections 15.16.010 through 15.16.030, Section 15.16.060 and Section 15.16.110;~~
2. All subdivision proposals including, but not limited to, 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;
3. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. ~~Base flood elevation~~BFE data shall be provided for subdivision proposals including the placement of manufactured home parks and subdivisions and other proposed development which contain at least fifty lots or five acres (whichever is less).

Sec 15.16.240 Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Sec 15.16.250 Specific Standards

In all areas of special flood hazards where ~~base flood elevation~~BFE data has been provided as set forth in Sections 15.16.060 and 15.16.150 ~~and in areas of known or suspected flood risk areas~~, the standards in Sections 15.16.260 and 15.16.270 shall apply. Additionally, all

roadways constructed within areas of special flood hazards shall be constructed so that the top back of curb is at least one foot above the BFE. Where the ~~base flood elevation~~BFE has not been determined, it shall be required to establish the ~~base flood elevation~~BFE prior to construction of the roadway. All finished floor elevations and garage floor slabs shall be constructed at least one foot above the top back of curb elevation of all roadways adjacent to the structure or at least two feet above the BFE, whichever is greater.

Sec 15.16.260 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the ~~base flood elevation~~BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this section as proposed in Section 15.16.110 is satisfied.

Sec 15.16.270 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the ~~base flood elevation~~BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the ~~base flood elevation~~BFE the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be developed and/or reviewed and certified by a registered professional engineer or architect that the design, specifications, plans and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certifications which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the Floodplain Administrator who shall maintain such records. 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 including Section 15.16.260. 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.

Sec 15.16.280 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable 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:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

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 BFE.

Sec 15.16.284 Crawlspace for Zones A1-30, A and AE

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:

1. 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 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. 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 1 foot above the LAG.
3. 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 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. 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 floodwaters.
5. 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.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.

7. 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 4 feet at any point.
8. 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.
9. 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.

Sec 15.16.290 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 15.16.060 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet 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. Within Zones ~~AO/AH~~ all new construction and substantial improvements of residential structures shall 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 ~~city~~City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard.
2. Within Zone AO all new construction and substantial improvements of non-residential structures shall;
 1. ~~h~~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 ~~city~~City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard, or;
 2. ~~t~~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 Section 15.16.140, 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.

Sec 15.16.300 Floodways

Floodways - located within areas of special flood hazard established in Section 15.16.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.
- 1.2. 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 cityCity during the occurrence of the base flood discharge.
- 2.3. If Section 15.16.300.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- 3.4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a cityCity may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevationBFEs, provided that the cityCity first applies for a conditional FIRM and floodway revision through FEMA.

Sec 15.16.310 Coastal High Hazard Area (Zone V and/or VE)

Coastal High Hazard Areas are SFHA established in Section 15.16.060 that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of this chapter:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the City's FIRM is located landward of the reach of mean high tide;
3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the base flood elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting

foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:

1. Breakaway walls shall meet the following design specifications:
 1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.
5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
 1. Water loading values used shall be those associated with the base flood plus one foot of freeboard.
 2. Wind loading values used shall be those required by the current edition of the Utah State Building Code.
6. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the City's FIRM.
7. Prohibit human-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the City's FIRM which would increase potential flood damage.

Sec 15.16.320 Elevated Buildings

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all requirements of this chapter.

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area

- (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
 3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Utah County Recorder's Office and shall transfer with the property in perpetuity.
 4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

Sec 15.16.390 Stop Work Order

1. Authority. Whenever the floodplain administrator or other City 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

Sec 15.16.400 Penalty

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 \$300 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the ~~city~~City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec 15.16.500 Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be effected.

CHAPTER 15.16 FLOODPLAIN MANAGEMENT

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Sec 15.16.000 Statutory Authorization

The Legislature of the State of Utah Code. Ann. § 10-3-701 has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Therefore, the City Council of American Fork City, State of Utah, does ordain as follows:

American Fork City 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.

Sec 15.16.010 Findings Of Fact

1. The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:
 1. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities.
 2. The occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, floodproofed, elevated or otherwise protected from flood damage.
 3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

Sec 15.16.020 Statement Of Purpose

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities including but not limited to water, pressurized irrigation, sanitary sewer and gas mains; electric, telephone and communication lines; streets, culverts, storm drain pipes and bridges located in areas of special flood hazard or that are susceptible to flooding;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. Ensure that those who occupy or own the areas of special flood hazards assume responsibility for their actions.
9. Minimize public expenditures on flood control projects.
10. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

Sec 15.16.030 Methods Of Reducing Flood Losses

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

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

Sec 15.16.040 Definitions

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

1. 100-Year Flood. 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.
2. 500-Year Flood. 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 500 years and mandatory flood insurance requirement generally does not apply.
3. Accessory Structure. 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.
4. Addition. 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.
5. Area of Future-Conditions Flood Hazard. The land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
6. Area of Special Flood-Related Erosion Hazard is the land within the City 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.

7. Area of shallow flooding. A designated AO, AH or VO zone on a City's (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three 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.
8. Area of special flood hazard. The land in the floodplain within a City subject to a one percent 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, AE, AH, A1-30, AO, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
9. Base flood. The flood having a one percent change of being equaled or exceeded in any given year.
10. Base Flood Elevation (BFE). 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, V1-30, 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.
11. Basement. 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.
12. Best Available Data. Existing flood hazard information adopted by the City 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 City.
13. Breakaway Wall. 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.
14. Channelization. The artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.
15. Coastal A Zone (CAZ). An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches,

- or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))
16. Coastal Barrier Resources System (CBRS). Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).
 17. Coastal High Hazard Area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.
 18. Code of Federal Regulations (CFR). The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
 19. Conditional Letter of Map Revision (CLOMR). 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.
 20. Conditional Letter of Map Revision Based on Fill (CLOMR-F). 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.
 21. Crawlspace. An under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
 22. Critical Facility. 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.
 23. Deed Restriction. 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.
 24. Detached Garage. 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.
 25. Development. Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling operations or storage of equipment or materials.

26. **Elevated building.** A non-basement building (i) 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 (ii) 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(e)(5) of the National Flood Insurance Program regulations.
27. **Enclosure.** 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.
28. **Erosion.** The process of the gradual wearing away of land masses by wind, water, or other natural agents.
29. **Existing Construction.** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
30. **Existing manufactured home park or subdivision.** 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 by a City.
31. **Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the 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). **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters, and/or
 2. the unusual and rapid accumulation or runoff of surface waters from any source.
32. **FEMA.** The Federal Emergency Management Agency.
33. **Fill.** 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 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.

34. Flood or Flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
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.

35. Flood Insurance Rate Map (FIRM). An official map of the City on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

36. Flood Insurance Study (FIS) or Flood Elevation Study. 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. The FIS contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (FBFM) (if applicable), FIRM and supporting technical data.

37. Floodplain Development Permit. A City issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the City. It is used to address the proposed development to ensure compliance with the City's ordinance.

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

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

40. Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in

any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

41. Flood Opening. 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.
42. Flood Protection System. 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 the City subject to an SFHA 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 have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the CFR (44 CFR 65.10).
43. Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. 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 floodwaters to enter the structure or area.
44. Floodway (also Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
45. Floodway Encroachment Lines. The lines marking the limits of floodways on federal, state, and local flood plain maps.
46. Freeboard. 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.
47. Functionally Dependent Use. A use which 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 does not include long-term storage or related manufacturing facilities.
48. Highest adjacent grade. 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.
49. Historic Structure. 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 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:
 1. by an approved state program as determined by the Secretary of the Interior or;
 2. directly by the Secretary of the Interior in states without approved programs.
50. Letter of Map Amendment (LOMA). 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.
51. Letter of Map Revision (LOMR). 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.
52. Letter of Map Revision Based on Fill (LOMR-F). 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.
53. Levee. A human-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.
54. Levee System. A flood protection system that 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.
55. Limit of Moderate Wave Action (LiMWA). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).
56. Lowest Adjacent Grade (LAG). 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.
57. Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

58. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home does not include a "recreational vehicle".
59. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
60. **Map.** The FHBM or the FIRM for the City issued by FEMA
61. **Mean Sea Level.** For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which BFEs shown on the City's Flood Insurance Rate Map are referenced. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the NAVD 88, refer to the FIRM.
62. **Mixed Use Structures.** Structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.
63. **New Construction.** 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 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.
64. **New Manufactured Home Park or Subdivision.** 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 the City.
65. **No-Rise Certifications.** 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 City during the occurrence of a base flood event.
66. **Physical Map Revision (PMR).** FEMA's action whereby one or more map panels are physically revised and republished.
67. **Recreational Vehicle.** A vehicle which is:
 1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projections;

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.
68. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
69. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
70. Section 1316. 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.
71. Special Flood Hazard Area—see Area of Special Flood Hazard.
72. 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 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 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.
73. Structure.
1. 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.
 2. For insurance purposes is:
 1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
 2. A manufactured home (also known as a mobile home) built on a permanent chassis transported to its site in one or more sections and affixed to a permanent foundation;

3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the City's floodplain management and building ordinances or laws;
 4. A gas or liquid storage tank, that is principally above ground and permanently affixed to a permanent site.
3. 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.
74. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
75. Substantial Improvement. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This 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 that have been identified by the local code enforcement official and are the minimum necessary requirements 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".
76. Variance. A grant of relief by the local code enforcement official from the regulations of the Floodplain Management Ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).
77. Violation. The failure of a structure or other development to be fully compliant with the City's Floodplain Management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.
78. Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (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.
79. Watercourse. The channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Sec 15.16.050 Applicability

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City as identified by FEMA or in areas of identified and documented flood risk supported using Best Available Data. When the City annexes any land from a neighboring jurisdiction

or unincorporated, the annexed land shall also be managed and regulated by Section 15.16.

Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard

The areas of special flood hazard identified by FEMA as shown on the accompanying FIRMs and FBFMs or DFIRM and other supporting data including any revisions thereto are hereby adopted by reference and declared to be part of the ordinance codified in this chapter. The FIRMs referred to herein are on file at the office of the Floodplain Administrator and include the following FIRMs:

1. FIRM Panels 49049C0164F, 49049C0166F, 49049C0168F, 49049C0169F and 49049C0307G effective 6/19/2020.
2. FIRM Panels 49049C0302G, 49049C0306G and 49049C0308G effective 6/23/2026.
- 3.

For areas along the American Fork River south of I-15 where specific floodplains, floodways and BFEs have not been established, it shall be the responsibility of the applicant for any development, construction or reconstruction within 1,800 feet on either side of the American Fork River to provide the necessary riverine studies, letters of map revisions (LOMR) and other related analysis or approvals from FEMA to determine the floodways, floodplains, and BFE's as it relates to their application and any necessary additional information to determine all special flood hazard areas impacting their application. Any improvements necessary along the American Fork River to provide sufficient conveyance of the 100-year flood event shall be required for all developments wherein the American Fork River traverses the property or is adjacent to the property. This may include, but is not limited to, dedicating additional width of right-of-way along the banks of the American Fork River to convey the 100-year flood event.

Where Base Level Engineering is available Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas, where BFE and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.

4. BFEs, floodway, and floodplain boundaries delineated by Base Level Engineering shall take precedence over BFEs, floodway, and floodplain boundaries delineated by effective FIRMs and in Flood Insurance Studies (FIS), if the Base Level Engineering shows increased floodplain or floodway boundaries and/or higher BFEs.
5. BFEs and designated floodway boundaries on effective FIRMs and in Flood Insurance Studies shall take precedence over BFE and floodway boundaries delineated by Base Level Engineering if the FIRMs and/or Flood Insurance Studies show reduce floodway width and/or lower BFEs.

Sec 15.16.070 Compliance

No structures or development including buildings, recreation vehicles, manufactured homes or land shall hereafter be constructed, located, extended, or altered, or have its use changed without full compliance with the terms of this chapter and other applicable

regulations. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violations.

Sec 15.16.080 Abrogation And Greater Restrictions

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

Sec 15.16.090 Interpretation

In the interpretation and application of this chapter, 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.

Sec 15.16.100 Warning And Disclaimer Of Liability

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

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

Sec 15.16.110 Development Permit - Required - Contents

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.16.060.
Application for a development permit shall be made on forms furnished by the City engineer's office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures, fill, storage of materials, drainage facilities, proposed landscape alterations, the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard.
2. Specifically, the following information is required:
 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 SFHAs.

4. Elevation in relation to mean sea level of the lowest floor (including basement and crawlspace) of all new and substantially improved structures;
 5. Elevation in relation to mean sea level to which any nonresidential structure shall be or has been floodproofed;
 6. Certification by a registered professional engineer or architect that the nonresidential floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.16.270 and the NFIP Regulations;
 7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
3. All records of all such information shall become property of the City and be maintained as a permanent record at the office of the Floodplain Administrator.

Sec 15.16.120 Designation Of The Local Administrator

The City engineer's office is appointed as the Floodplain Administrator to administer and implement this chapter and other appropriate sections of 44 CFR pertaining to floodplain management.

Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities

Duties of the Floodplain Administrator shall include but not be limited to those listed in this chapter and the following:

1. Uphold the goals of the City and the NFIP to reduce risk when possible and increase the City'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. 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.
8. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize Best Available Data.

Sec 15.16.135 Requirement to Submit New Technical Data

1. The property owner, applicant or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant has obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.

2. The property owner, applicant 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.
4. 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.

Sec 15.16.140 Floodplain Administrator - Permit Review

The Floodplain Administrator shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from 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) from which prior approval is required.
3. Review all development permits to determine if the proposed development or altered or relocated portion of any watercourse adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, "adversely affects" means damage to adjacent, upstream or downstream properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration
 2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
 3. If the proposed development is a building, then the provisions of this chapter shall apply.
 4. If a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM maps adopted by the City, unless it is determined 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 foot at any point within the City.
 5. At the discretion of the Floodplain Administrator, the City may approve certain development in Zones A1-30, AE and AH on the City's FIRM which

increases the water surface elevation of the base flood by more than one foot provided that the City first meets the requirements per the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations for a conditional FIRM revision through FEMA's CLOMR process

4. Notify, in riverine situations, adjacent communities and the State Floodplain Manager who is located in the Utah's Division of Emergency Management office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA as required.
5. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter 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 floodwaters 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.
6. Variance Procedures. The appeal Board as established by the City shall hear and render judgement on requests for variances from the requirements of this ordinance.
 1. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
 2. Any person or persons aggrieved by the decision of the Appeal Board 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 FEMA and the State Coordinating Agency upon issuing a variance.

4. 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.
5. 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 Section 15.16.110 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. 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.
9. 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.
 2. Variances shall only be issued upon:
 1. Showing a good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, 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.
 3. 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 BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

10. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Sections 15.16.140.6.1-9 are met, and
2. 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.

Sec 15.16.150 Use Of Other Base Flood Data

The Floodplain Administrator shall obtain, review, and reasonably utilize any BFE and floodway data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in SFHA.

Sec 15.16.160 Information To Be Obtained And Maintained

The Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved non-residential floodproofed structures:
 1. Verify and record the actual elevation (in relation to mean sea level) to which the non-residential structure has been floodproofed;
 2. Maintain the floodproofing certifications required in Section 15.16.110(B)(C);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

Sec 15.16.170 Alteration Of Watercourses

The Floodplain Administrator shall:

1. Notify adjacent communities and the FEMA prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Sec 15.16.180 Interpretation Of FIRM Boundaries

The Floodplain Administrator shall make interpretations, where 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).

Sec 15.16.190 General Standards

In all areas of special flood hazards, the following standards in Sections 15.16.200 through 15.16.270 are required for all development, new construction and substantial improvements. All flood permit applications and supportive documents shall be submitted by the applicant and shall demonstrate that the sites are reasonably safe from flooding. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

Sec 15.16.191 Substantial Improvement

If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. 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

Sec 15.16.192 Substantial Damage

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.

Sec 15.16.193 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 City 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 Section 15.16.191; and
 1. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
 2. 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.

3. 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.

Sec 15.16.200 Anchoring

1. All new construction and substantial improvements shall be designed, modified and constructed to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All manufactured homes to be placed within Zone A on the City's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy. 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. Specific requirements may be:
 1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
 4. Any additions to the manufactured home be similarly anchored.
3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, AE, V and VE on the City's FIRM on sites
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision or
 4. 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 BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 4.
5. Manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, AO, AE, V and VE on the City's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1. The lowest floor of the manufactured home is at or above the BFE, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
6. Recreational Vehicles placed on sites within Zones A1-30, AH, AO, AE, V and VE on the City's FIRM either:
 1. Be on the site for fewer than 180 consecutive days,
 2. Be fully licensed and ready for highway use, or
 3. Meet the permit requirements of this ordinance, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. 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.

Sec 15.16.210 Construction Materials And Methods

All new construction and substantial improvements shall be designed, modified and constructed with materials and utility equipment resistant to flood damage.

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

Sec 15.16.220 Utilities

1. All new and replacement water supply systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec 15.16.230 Subdivision Proposals

1. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage and shall comply with the requirements of this ordinance;
2. All subdivision proposals including, but not limited to, 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;

3. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. BFE data shall be provided for subdivision proposals including the placement of manufactured home parks and subdivisions and other proposed development which contain at least fifty lots or five acres (whichever is less).

Sec 15.16.240 Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Sec 15.16.250 Specific Standards

In all areas of special flood hazards where BFE data has been provided as set forth in Sections 15.16.060 and 15.16.150 and in areas of known or suspected flood risk areas, the standards in Sections 15.16.260 and 15.16.270 shall apply. Additionally, all roadways constructed within areas of special flood hazards shall be constructed so that the top back of curb is at least one foot above the BFE. Where the BFE has not been determined, it shall be required to establish the BFE prior to construction of the roadway. All finished floor elevations and garage floor slabs shall be constructed at least one foot above the top back of curb elevation of all roadways adjacent to the structure or at least two feet above the BFE, whichever is greater.

Sec 15.16.260 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this section as proposed in Section 15.16.110 is satisfied.

Sec 15.16.270 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be developed and/or reviewed and certified by a registered professional engineer or architect that the design, specifications, plans and methods of construction are in

accordance with accepted standards of practice for meeting the provisions of this section. Such certifications which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the Floodplain Administrator who shall maintain such records. 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 including Section 15.16.260. 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.

Sec 15.16.280 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable 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:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

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 BFE.

Sec 15.16.284 Crawlspace for Zones A1-30, A and AE

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:

1. 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 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. 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 1 foot above the LAG.

3. 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 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. 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 floodwaters.
5. 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.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
7. 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 4 feet at any point.
8. 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.
9. 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.

Sec 15.16.290 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 15.16.060 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet 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. Within Zones AO/AH all new construction and substantial improvements of residential structures shall 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 City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard.
2. Within Zone AO all new construction and substantial improvements of non-residential structures shall;
 1. 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 City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard, or;

2. 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 Section 15.16.140, 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.

Sec 15.16.300 Floodways

Floodways - located within areas of special flood hazard established in Section 15.16.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than 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 City during the occurrence of the base flood discharge.
3. If Section 15.16.300.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the City first applies for a conditional FIRM and floodway revision through FEMA.

Sec 15.16.310 Coastal High Hazard Area (Zone V and/or VE)

Coastal High Hazard Areas are SFHA established in Section 15.16.060 that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of this chapter:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the City's FIRM is located landward of the reach of mean high tide;

3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the base flood elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
 1. Breakaway walls shall meet the following design specifications:
 1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.
5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
 1. Water loading values used shall be those associated with the base flood plus one foot of freeboard.

2. Wind loading values used shall be those required by the current edition of the Utah State Building Code.
6. Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the City's FIRM.
7. Prohibit human-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the City's FIRM which would increase potential flood damage.

Sec 15.16.320 Elevated Buildings

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all requirements of this chapter.

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Utah County Recorder's Office and shall transfer with the property in perpetuity.
4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

Sec 15.16.390 Stop Work Order

1. Authority. Whenever the floodplain administrator or other City 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

Sec 15.16.400 Penalty

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 \$300 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec 15.16.500 Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be effected.

UNAPPROVED MINUTES

07.08.2026

property, and while they would have liked to have this project done before the winter, they are held up until the city can decide if this can be allowed as a permitted or conditional use in this zone.

Public Hearing Opened

No Comments

Public Hearing Closed

- d. Public hearing on a proposed Code Text Amendment, known as "N" Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214, the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations.**

Cody Opperman reviewed the background information for Public Hearing Item letter d: Staff has initiated a Code Text Amendment to amend Section 17.12.214 "N" Definitions of the American Fork City Municipal Code. The proposed amendment looks to provide a definition for Natural Gas Regulator Stations.

Public Hearing Opened

No Comments

Public Hearing Closed**ACTION ITEMS**

- a. Review and recommendation on a proposed Code Text Amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Section 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.**

UNAPPROVED MINUTES

07.08.2026

The staff has initiated for a Code Text Amendment to amend Section 15.16 of the American Fork City Municipal Code. The proposed amendment seeks to amend the municipal code to ensure compliance with updated and revised FEMA regulations and maps which went effective June 23, 2026. The amendment adds definitions, adds requirements for floodplain permit applications and floodplain administrator duties, provides variance standards, adds sections about substantial damages, updates roadway and finished floor elevation requirements and adds coastal flood zones around Utah Lake into ordinance which are newly identified in the updated FEMA flood maps. It also creates stop work order authority for noncompliant violators of this ordinance.

Geoff Dupaix moved to recommend approval for the proposed Code Text Amendment, amending Section 15.16, titled Floodplain Management, related to amending the municipal code to ensure compliance with updated and revised FEMA maps and regulations, and providing an effective date for the ordinance.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Geoff Dupaix	AYE

The motion passed

- b. Review and recommendation on a proposed Code Text Amendment, known as Easements, of the American Fork City Municipal Code. Amending Section 15.01.110, the Code Text Amendment plans to clarify the required conveyance documents for easements.**

The staff has initiated for a Code Text Amendment to amend Section 15.01.110 of the American Fork City Municipal Code. The proposed amendment looks to establish what document type must be used to convey easements, requiring conveyance on a plat when a plat is required, and a



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Planning **Director Approval** Patrick O'Brien

AGENDA ITEM Review and action on a proposed Code Text Amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone

SUMMARY RECOMMENDATION

Planning Commission Recommended Approval for Option "A"

BACKGROUND

The applicant has applied for a Code Text Amendment to amend Section 17.4.601 PF Public Facilities Zone of the American Fork City Municipal Code. The proposed amendment looks to provide Natural Gas Regulator Stations as a conditional use within the PF Zone.

Two options are presented to the Planning Commission, and later on to the City Council, for their determination. Option "A" provides a Code Text Amendment where "natural gas facilities" are identified within the permitted uses of the PF Zone. Option "B" provides a Code Text Amendment where "natural gas regulator stations" are a conditional use.

BUDGET IMPACT

N/A

SUGGESTED MOTION

Approval

I move to approve [Option "A" or Option "B"] of the proposed Code Text Amendment, amending Section 17.4.601, titled PF Public Facilities Zone, relating to Natural Gas Regulator Stations and providing an effective date for the ordinance.

Denial

I move to deny both options of the proposed Code Text Amendment, amending Section 17.4.601, titled PF Public Facilities Zone, relating to Natural Gas Regulator Stations.

Table

I move to table the proposed Code Text Amendment, amending Section 17.4.601, titled PF Public Facilities Zone, relating to Natural Gas Regulator Stations and instruct staff/developer to.....

SUPPORTING DOCUMENTS

1. Ordinance-Section 17.4.601_Ordinance_Code Text Amendment_OptionA (DOCX)
2. Ordinance-Section 17.4.601_Ordinance_Code Text Amendment_OptionB (DOCX)
3. Option A - Section 17.4.601 PF CTA_Redlines (PDF)
4. Option A - Section 17.4.601 PF CTA_Final (PDF)
5. Option B - Section 17.4.601 PF CTA_Redlines (PDF)
6. Option B - Section 17.4.601 PF CTA_Final (PDF)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.4.601 TITLED PF PUBLIC FACILITIES ZONE PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, Utah Code §§ 10-20-501 and 503 of Utah Code Annotated, 1953, as amended grants the City authority to enact, adopt and amend land use regulations; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2026, to consider a Code Text Amendment to amend Section 17.4.601; and

WHEREAS, at its Recommendation meeting, the Planning Commission voted in favor of a positive recommendation to the City Council of American Fork on July 8, 2026; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork City to amend Section 17.4.601 relating to permitted and conditional uses in the PF zone

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 17.4.601 of the American Fork Municipal Code is hereby amended to read as follows:

Option A:

Sec 17.4.601 PF Public Facilities Zone

A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi public entities and which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-9-106 and 10-9-305, Utah Code Annotated, 1953, as amended.

B. Permitted and conditional uses. The following buildings, structures, and uses of land

shall be permitted upon compliance with applicable requirements of the code:

1. Schools.
2. Parks.
3. Electric substations.
4. Municipal buildings and public works buildings and facilities.
5. Water reservoirs and storage tanks.
6. Major electric transmission lines (above forty-five KV capacity).
7. Cemeteries.
8. Natural Gas Facilities

C. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use

PART II PROVISIONS AND ADOPTION

Section 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 2. Amendments to be added to the American Fork City Code.

The City Council of American Fork hereby directs that the provisions enacted by this ordinance shall be made and placed in the American Fork City Code.

Section 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS ____ DAY OF _____, 202__.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

ORDINANCE NO. _____**AN ORDINANCE AMENDING SECTION 17.4.601 TITLED PF PUBLIC FACILITIES ZONE PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.**

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, Utah Code §§ 10-20-501 and 503 of Utah Code Annotated, 1953, as amended grants the City authority to enact, adopt and amend land use regulations; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2026, to consider a Code Text Amendment to amend Section 17.4.601; and

WHEREAS, at its Recommendation meeting, the Planning Commission voted in favor of a positive recommendation to the City Council of American Fork on July 8, 2026; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork City to amend Section 17.4.601 relating to permitted and conditional uses in the PF zone

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 17.4.601 of the American Fork Municipal Code is hereby amended to read as follows:

Option B:

Sec 17.4.601 PF Public Facilities Zone

A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public, quasi public, and utility infrastructure entities which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-20-101 and 10-20-401, Utah Code Annotated, 1953, as amended.

B. Permitted and conditional uses. The following buildings, structures, and uses of

land shall be permitted upon compliance with applicable requirements of the code:

1. Schools.
2. Parks.
3. Electric substations.
4. Municipal buildings and public works buildings and facilities.
5. Water reservoirs and storage tanks.
6. Major electric transmission lines (above forty-five KV capacity).
7. Cemeteries

C. Conditional Uses:

1. Natural Gas Regulator Stations.

- a. Natural Gas Regulator Stations shall be enclosed by visually obstructive and/or nontransparent fencing approved by the City Council upon recommendation from the Planning Commission. Such fencing may be topped with appropriate security wire or apparatuses to deter theft. No advertisements shall be incorporated into the fencing, or the fencing material. The maximum height of the fence shall be 8 ft. tall;
 - i. Natural Gas Regulator Stations shall be enclosed with an 8' high masonry wall when placed within 150 feet of a public right-ofway, residential zone, planned residential zone, or residential agricultural zone.
- b. No structure shall be higher than 15 feet in height at its highest point;
- c. The total area used as the Natural Gas Regulator Station shall be landscaped in accordance with Section 17.5.121 and Section 17.21 of the City's code;

Outdoor storage of materials and equipment are prohibited.

D. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use

PART II PROVISIONS AND ADOPTION

Section 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 2. Amendments to be added to the American Fork City Code.

The City Council of American Fork hereby directs that the provisions enacted by this ordinance shall be made and placed in the American Fork City Code.

Section 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS ____ DAY OF _____, 202__.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

Sec 17.4.601 PF Public Facilities Zone

- A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi public entities and which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-9-106 and 10-9-305, Utah Code Annotated, 1953, as amended.
- B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:
1. Schools.
 2. Parks.
 3. Electric substations.
 4. Municipal buildings and public works buildings and facilities.
 5. Water reservoirs and storage tanks.
 6. Major electric transmission lines (above forty-five KV capacity).
 7. Cemeteries.
 - 7-8. Natural Gas Facilities
- C. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

Sec 17.4.601 PF Public Facilities Zone

- A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi public entities and which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-9-106 and 10-9-305, Utah Code Annotated, 1953, as amended.
- B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:
1. Schools.
 2. Parks.
 3. Electric substations.
 4. Municipal buildings and public works buildings and facilities.
 5. Water reservoirs and storage tanks.
 6. Major electric transmission lines (above forty-five KV capacity).
 7. Cemeteries.
 8. Natural Gas Facilities
- C. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

Sec 17.4.601 PF Public Facilities Zone

- A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public, ~~and~~ quasi public, ~~and utility infrastructure entities and entities~~ which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-~~209-1016~~ and 10-~~209-401305~~, Utah Code Annotated, 1953, as amended.
- B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:
1. Schools.
 2. Parks.
 3. Electric substations.
 4. Municipal buildings and public works buildings and facilities.
 5. Water reservoirs and storage tanks.
 6. Major electric transmission lines (above forty-five KV capacity).
 7. Cemeteries

C. Conditional Uses:

1. Natural Gas Regulator Stations.

a. Natural Gas Regulator Stations shall be enclosed by visually obstructive and/or nontransparent fencing approved by the City Council upon recommendation from the Planning Commission. Such fencing may be topped with appropriate security wire or apparatuses to deter theft. No advertisements shall be incorporated into the fencing, or the fencing material. The maximum height of the fence shall be 8 ft. tall;

i. Natural Gas Regulator Stations shall be enclosed with an 8' high masonry wall when placed within 150 feet of a public right-of-way, residential zone, planned residential zone, or residential agricultural zone.

b. No structure shall be higher than 15 feet in height at it's highest point;

c. The total area used as the Natural Gas Regulator Station shall be landscaped in accordance with Section 17.5.121 and Section 17.21 of the City's code;

a. Outdoor storage of materials and equipment are prohibited.

E.D. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

Sec 17.4.601 PF Public Facilities Zone

- A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public, quasi public, and utility infrastructure entities which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-20-101 and 10-20-401, Utah Code Annotated, 1953, as amended.

- B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:
 - 1. Schools.
 - 2. Parks.
 - 3. Electric substations.
 - 4. Municipal buildings and public works buildings and facilities.
 - 5. Water reservoirs and storage tanks.
 - 6. Major electric transmission lines (above forty-five KV capacity).
 - 7. Cemeteries

- C. Conditional Uses:
 - 1. Natural Gas Regulator Stations.
 - a. Natural Gas Regulator Stations shall be enclosed by visually obstructive and/or nontransparent fencing approved by the City Council upon recommendation from the Planning Commission. Such fencing may be topped with appropriate security wire or apparatuses to deter theft. No advertisements shall be incorporated into the fencing, or the fencing material. The maximum height of the fence shall be 8 ft. tall;
 - i. Natural Gas Regulator Stations shall be enclosed with an 8' high masonry wall when placed within 150 feet of a public right-of-way, residential zone, planned residential zone, or residential agricultural zone.
 - b. No structure shall be higher than 15 feet in height at it's highest point;

- c. The total area used as the Natural Gas Regulator Station shall be landscaped in accordance with Section 17.5.121 and Section 17.21 of the City's code;

Outdoor storage of materials and equipment are prohibited.

- D. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Planning

Director Approval Patrick O'Brien

AGENDA ITEM Review and action on a proposed Code Text Amendment, known as “N” Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214, the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations

SUMMARY RECOMMENDATION

Planning Commission Recommended Approval

BACKGROUND

Staff has initiated a Code Text Amendment to amend Section 17.12.214 "N" Definitions of the American Fork City Municipal Code. The proposed amendment looks to provide a definition for Natural Gas Regulator Stations.

BUDGET IMPACT

N/A

SUGGESTED MOTION

Approval

I move to approve the proposed Code Text Amendment, amending Section 17.12.214, titled "N" Definitions, relating to Natural Gas Regulator Stations and providing an effective date for the ordinance.

Denial

I move deny the proposed Code Text Amendment, amending Section 17.12.214, titled "N" Definitions, relating to Natural Gas Regulator Stations.

Table

I move to table the proposed Code Text Amendment, amending Section 17.12.214, titled "N" Definitions, relating to Natural Gas Regulator Stations and instruct staff/developer to.....

SUPPORTING DOCUMENTS

1. Ordinance-Section 17.12.214_Ordinance_Code Text Amendment (DOCX)
2. CTA - Section 17.12.214 N Definitions - Natural Gas Regulator Stations_Redline (DOCX)
3. CTA - Section 17.12.214 N Definitions - Natural Gas Regulator Stations_Final (DOCX)

ORDINANCE NO. _____**AN ORDINANCE AMENDING SECTION 17.12.214 TITLED “N” DEFINITIONS PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.**

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, Utah Code §§ 10-20-501 and 503 of Utah Code Annotated, 1953, as amended grants the City authority to enact, adopt and amend land use regulations; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2026, to consider a Code Text Amendment to amend Section 17.12.214; and

WHEREAS, at its Recommendation meeting, the Planning Commission voted in favor of a positive recommendation to the City Council of American Fork on July 8, 2026; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork City to amend Section 17.12.214 relating to a definition for Natural Gas Regulator Stations

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 17.12.214 of the American Fork Municipal Code is hereby amended to read as follows:

Sec 17.12.214 "N" Definitions

- A. Natural Gas Regulator Stations. An area designated for a station to control and maintain a uniform supply of pressure for natural gas. Natural Gas Regulator Stations shall not be interpreted as a natural gas facility.
- B. Nonconforming building or structure. A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure, but which legally existed before the effective date of the now controlling regulations.
- C. Nonconforming lot of record. a parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the county recorder as an independent lot prior to the effective date of the now controlling provision.
- D. Nonconforming use. A use of land that:

1. Does not conform with the current zoning regulations applicable to the use, but which legally existed before the effective date of the now controlling regulations; and
2. Has been maintained continuously since the time the zoning regulations governing the use changed.

PART II PROVISIONS AND ADOPTION

Section 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 2. Amendments to be added to the American Fork City Code.

The City Council of American Fork hereby directs that the provisions enacted by this ordinance shall be made and placed in the American Fork City Code.

Section 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS ____ DAY OF _____, 202__.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

Sec 17.12.214 "N" Definitions

A. Natural Gas Regulator Stations. An area designated for a station to control and maintain a uniform supply of pressure for natural gas. Natural Gas Regulator Stations shall not be interpreted as a natural gas facility.

A.B. Nonconforming building or structure. A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure, but which legally existed before the effective date of the now controlling regulations.

B.C. Nonconforming lot of record. a parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the county recorder as an independent lot prior to the effective date of the now controlling provision.

C.D. Nonconforming use. A use of land that:

1. Does not conform with the current zoning regulations applicable to the use, but which legally existed before the effective date of the now controlling regulations; and
2. Has been maintained continuously since the time the zoning regulations governing the use changed.

Sec 17.12.214 "N" Definitions

- A. Natural Gas Regulator Stations. An area designated for a station to control and maintain a uniform supply of pressure for natural gas. Natural Gas Regulator Stations shall not be interpreted as a natural gas facility.
- B. Nonconforming building or structure. A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure, but which legally existed before the effective date of the now controlling regulations.
- C. Nonconforming lot of record. a parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the county recorder as an independent lot prior to the effective date of the now controlling provision.
- D. Nonconforming use. A use of land that:
 - 1. Does not conform with the current zoning regulations applicable to the use, but which legally existed before the effective date of the now controlling regulations; and
 - 2. Has been maintained continuously since the time the zoning regulations governing the use changed.



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Recorder

Director Approval Terilyn Lurker

AGENDA ITEM Review and action on approval of a contract for street light repair, construction, and maintenance services with Infrastructure Power Group, LLC.

SUMMARY RECOMMENDATION

Staff recommends approval.

BACKGROUND

On May 12, 2026, the council approved awarding the contract for streetlight repair, construction, and maintenance services to Infrastructure Power Group. Before the council is the contract for those services.

BUDGET IMPACT

See contract

SUGGESTED MOTION

Move to approve the contract with Infrastructure Power Group and authorize the City Administrator to sign the contract.

SUPPORTING DOCUMENTS

2026 Streetlight Contract (PDF)

CONTRACT FOR SERVICES

This Streetlight Repair, Construction, and Maintenance Services Contract ("Contract") is entered into effective as of _____, 2026 ("Effective Date"), by and between American Fork City, a Utah municipal corporation ("City"), and Infrastructure Power Group, LLC, a Utah limited liability company ("Contractor").

RECITALS

WHEREAS, the City has a city-wide street lighting system; and

WHEREAS, the City is in need of a service provider to support the City's maintenance of a safe, reliable, and high-performing streetlight system that services the City's residents, businesses and public places: and

WHEREAS, the City issued a Request for Proposals ("RFP") seeking service providers to fulfill this need; and

WHEREAS, Infrastructure Power Group ("Contractor") submitted a proposal in response to the RFP a copy of which is attached hereto as Exhibit III; and

WHEREAS, the Contractor desires to provide certain asset management, Streetlight maintenance, and construction services for City, and City desires to engage the Contractor for such services.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Contractor agree as follows:

GENERAL CONTRACT CLAUSES

A. Definitions

As used in this Contract, the following terms have the following meanings:

1. "Work" means maintenance and repair work and an entire constructed project or the various separately identified parts thereof required to be furnished under the Contract. Work includes the performing or furnishing of all services and documents required by this Contract.
2. "Site(s)" means the land in or on which work is to be completed.
3. "Contract" or "Agreement" means this document consisting of Sections A through Y, and all incorporated exhibits, appendices and attachments.
4. "Days" means business days unless otherwise specified in the Contract.
5. "Service Standards" means the performance requirements stated in Section E of Exhibit I of this Contract.

B. Contractor Scope of Services.

Contractor shall provide the scope of services for the City as described in Exhibit I, attached hereto and incorporated by this reference.

Contractor acknowledges that the representations, qualifications, staffing commitments, service commitments, and performance representations contained in Contractor's Proposal are material inducements to City's award of this Contract and shall be binding upon Contractor unless expressly modified by this Contract.

C. Payment. For services supplied by the Contractor hereunder, the Contractor shall be paid as specified in Exhibit I.

D. Contract Administration

1. City shall inform Contractor of the identity of the City Representative(s) responsible for administering this Contract.
2. Contractor shall inform City of the identity of the Contractor's Project Manager.
3. Contractor's Project Manager and the City Representative shall confer before the start of any construction, removal, relocation and/or other work to ensure that the nature and scheduling of the job's activities are mutually understood, and shall meet as often as necessary during the job's duration to discuss the progress made, impediments encountered or expected and their resolution, and all other relevant matters.
4. Contractor shall comply with all applicable requirements of Utah Code §13-47 and the American Fork City Purchasing Policy regarding participation in the federal E-Verify program. Contractor shall require all subcontractors performing work under this Agreement to comply with the same requirements.

E. Jurisdiction

This Contract shall be construed under the laws of the State of Utah without regard for the conflicts of provisions thereof. The venue for any action to enforce the provisions of this Contract to be filed and heard shall be the appropriate court within the State of Utah.

F. Notices

All notices required pursuant to the terms and conditions of this Contract shall be in writing, unless an emergency situation dictates otherwise. All notices shall be directed to the following addresses:

The City: American Fork City
Attention: Accounts Payable
51 East Main Street
American Fork, UT 84003

The Contractor: Infrastructure Power Group
Attention: Joe Coleman
1953 E 775 S
Springville, UT 84663

G. Records and Audits

The Contractor shall keep accurate books, records and supporting data in hardcopy or electronic form for at least five (5) years. For time, equipment, and material work, City shall have the right to audit all Contractor books relating to the charges. For Unit Prices, City shall have the right to audit Contractor books relating to the number of units completed. Charges more than five (5) years old shall not be subject to audit and are deemed final. If an audit determines that an overpayment or underpayment has occurred, then notice of such overpayment or underpayment shall be given to the Contractor together with that portion of the audit, which supports the determination. If the determination is not disputed, then the payment or refund shall be paid within 30 days of the determination.

H. Confidentiality

The parties acknowledge that this Contract and the records generated in the performance thereof are generally public records under the current provisions of the Utah Government Records Access and Management Act ("GRAMA"), and the parties agree to comply with the provisions of GRAMA. However, nothing herein shall be construed as an acknowledgment or admission that Contractor's records are public records within the meaning of GRAMA, nor to require Contractor to produce its own records in response to any records request filed under the provisions of GRAMA.

I. Insurance

1. Contractor shall maintain, at its sole cost, the following insurance throughout the term of this Agreement and for any applicable warranty periods:
 - a. Commercial General Liability Insurance written on an occurrence form with limits of not less than: \$1,000,000 per occurrence; \$2,000,000 general aggregate; Products/completed operations aggregate of not less than \$1,000,000. Coverage shall include: premises/operations; underground damage; explosion and collapse hazards; independent contractors; contractual liability; products/completed operations. City shall be named as an Additional Insured on a Primary and Non-Contributory Basis. Contractor shall Waive Rights of Recovery (Subrogation) against the City.
 - b. Automobile Liability Insurance covering all owned, hired, and non-owned vehicles with limits of not less than \$1,000,000 combined single limit. City shall be named as an Additional Insured.
 - c. Workers Compensation Insurance meeting Utah statutory requirements and Employer's Liability Insurance with limits not less than \$1,000,000 each accident. No owner or officer excluded may work on city property. Contractor shall Waive Rights of Recovery (Subrogation) against the City.
 - d. Umbrella/Excess Liability Insurance of not less than \$3,000,000 per occurrence. These policies shall follow Additional Insured and Waiver of Subrogation endorsements included on underlying policies.
 - e. If excavation, boring, underground utility work, hazardous materials handling, or environmental contamination risks are involved, Contractor shall maintain Contractors Pollution Liability coverage with limits of not less than \$1,000,000 per occurrence and aggregate If policy is written on a claims made basis, the retroactive date shall be prior to the start of work for the City.
2. The above insurance shall not be canceled without at least 30 days' notice to City. The City, it's elected and appointed officials, employees, volunteers and agents shall be named as additional insured on the General Liability and Automobile insurance certificates. The Contractor shall provide a waiver of subrogation to the City on each of the required certificates, as appropriate. Upon request, the Contractor shall provide City Contract Administration with proof of insurance prior to beginning work on any City site. The insurance must be provided by carriers having at least a Best's rating of B+ or better and be acceptable to the City.

3. Contractor shall require all subcontractors to maintain insurance meeting the requirements of this section.
4. Failure to maintain required insurance constitutes a material breach of this Contract and grounds for immediate suspension of work or termination.

J. Liens and Indemnification

1. Liens. Contractor shall not permit a lien to be placed on any City property by Contractor's suppliers or subcontractors. Should City receive notice of intent to file a lien from any of Contractor's suppliers or subcontractors, City will notify Contractor. Contractor shall be responsible for and shall indemnify City for all of City's costs, expenses (including attorneys' fees), liabilities, damages, fees, penalties, judgments and settlement costs arising either directly or indirectly from the placement of such lien. Notwithstanding any contrary provisions of this Contract, the foregoing liabilities of the Contractor for the placement of a lien shall only include direct damages.
2. Indemnification. To the fullest extent permitted by law, Contractor shall indemnify, defend, and hold harmless American Fork City, and its officers, employees, agents, volunteers, and elected officials, from and against any and all claims, demands, actions, damages, losses, liabilities, fines, penalties, costs, and expenses, including reasonable attorney fees and litigation costs, arising out of, relating to, or resulting from the performance of the Work under this Agreement, but only to the extent caused by any negligent act, error, omission, recklessness, or willful misconduct of Contractor, its officers, employees, agents, subcontractors, or anyone directly or indirectly employed by them or for whose acts they may be liable.

Contractor's obligations under this section include, without limitation, claims arising from:

- f. bodily injury, sickness, disease, or death of any person;
- g. injury to or destruction of tangible or intangible property, including loss of use;
- h. damage to utilities or underground facilities;
- i. violations of federal, state, or local laws, regulations, ordinances, or safety requirements;
- j. mechanic's liens or claims for unpaid labor or materials; and
- k. Contractor's failure to perform the Work in accordance with the requirements of this Agreement.

Contractor's indemnification obligations shall not apply to the extent any claim, damage, loss, or expense is caused by the sole negligence or willful misconduct of the City.

Nothing in this Agreement shall be construed as a waiver of any defenses or limitations of liability available to the City under the Utah Governmental Immunity Act, Utah Code Title 63G, Chapter 7, or any other applicable provision of law. The City expressly retains all immunities, defenses, and protections provided by law.

The obligations of Contractor under this section shall survive termination or expiration of this Agreement.

K. Assignment

Neither party shall have the right to assign any portion of this Contract to a third party without the prior written consent of the other party, and such consent shall not be unreasonably withheld. No assignment shall relieve the parties of their respective obligations under this Contract.

L. Termination for Cause/Non-Funding

1. The City may terminate this Contract, in whole or in part, for convenience upon thirty (30) days written notice.
 2. City may terminate any Project under this Contract in whole or in part for Contractor's material breach of its obligations under this Contract. In order for Contractor to be in material breach of this Contract, both of the following events must occur:
 - a. City provides Contractor with timely written notice detailing the specific action or lack of action giving rise to the material breach of contract, as well as the City's recommendation of a reasonable cure for the material breach; and
 - b. Contractor fails to cure the material breach using the recommended cure from the City or another reasonable cure available to Contractor, within ten working days of receipt of written notice from City or such longer period as may be needed, so long as the cure is commenced within ten days and pursued diligently to completion.
 - c. In the event of a material breach of this Contract by Contractor, City may acquire, under the terms and in the manner in which the City considers appropriate, services and equipment similar to those terminated, and the Contractor shall be liable to the City for any reasonable excess costs for those services. However, the Contractor shall continue projects not terminated.
4. The parties acknowledge that, while this is a multi-year Contract, the laws of the State of Utah prohibit the City from committing any public funds beyond the current budget year. Therefore, although the City intends to seek appropriation of funds for this Contract in future years, the parties agree that should the City be unable to appropriate funds for the performance of this Contract in subsequent budget years due to fiscal constraints, the Contract shall be deemed terminated and the City shall not be liable for damages or penalties for breach of Contract or for other reasons. However, in the event of termination as a result of non-appropriation, Contractor shall be paid in full for all services performed to the date of non-appropriation. The date of non-appropriation shall be that date on which the City's budget, absent funds appropriated for performance of this Contract becomes effective.

In the event of termination or cancellation, the City will purchase any City specific Contractor inventory in accordance with Exhibit II, 5. If requested by City, Contractor shall provide transport services for this material subject Exhibit II, 1, 2, and 3.

M. Accident Prevention and Compliance

The Contractor shall comply with all OSHA, UOSH, MUTCD, NEC, NESC, applicable environmental regulations, and City safety requirements. Failure to comply may result in Termination for material breach.

N. Severability

The invalidity, illegality, or unenforceability of any provision of this Contract or the occurrence of any event rendering any portion or provision of this Contract void shall in no way affect the validity or enforceability of any other portion or provision of this Contract. Any void provision shall be deemed severed from this Contract, and the balance of this Contract shall be construed and enforced as if this Contract did not contain the particular portion or provision held to be void.

parties further agree to amend this Contract to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this clause shall not prevent this entire Contract from being void should a provision, which is of the essence of this Contract, be determined void.

O. Integration

This Contract represents the entire and integrated agreement between City and the Contractor. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Contract.

P. Warranty

1. In addition to any other warranties in this Contract or as otherwise provided by law, the Contractor warrants that work performed under this Contract conforms to the Contract requirements and is free of any material defect.
2. This warranty shall continue for one (1) year from the date of final completion and acceptance of any project or work.
3. The Contractor shall remedy, at the Contractor's expense, any failure to conform or any material defect within thirty (30) days of notification by City of such defect.

In addition, the Contractor shall remedy at the Contractor's expense any damage to City property, when the damage is a result of:

- l. Contractor's actions or omissions
 - m. The Contractor's failure to conform to Contract requirements
 - n. Any material defect of equipment, material, workmanship, or design furnished by Contractor
4. The Contractor's warranty with respect to work repaired or replaced will run for one (1) year from date of repair or replacement.
 5. City shall notify the Contractor, in writing, within a reasonable time after discovery of any material failure, defect or damage.
 6. If the Contractor fails to remedy any material failure, defect, or damage within a reasonable time after receipt of notice, City shall have the right to replace, repair, or otherwise remedy the failure, defect, or damage and Contractor shall pay City its actual direct cost of such remedy plus fifteen (15%) percent.
 7. With respect to all warranties, express or implied, from subcontractors, manufacturers, or suppliers for work performed and materials furnished under this Contract, the Contractor shall:
 - o. Obtain all warranties that would be given in normal business practice
 - p. Require all warranties to be executed, in writing, for the benefit of City
 - q. Enforce all warranties for the benefit of the City
 8. In the event the Contractor's warranty under Section (P) (24) has expired, City may bring suit, at its expense, to enforce a subcontractor, manufacturer, or supplier's warranty.
 9. The Contractor shall not be liable for the repair of any defects of material or design furnished by the City.

Q. Inspection of Work Prior to Acceptance

1. All work will be subject to City inspection and approval
2. City may appoint inspectors as it deems advisable to inspect the materials furnished and the work performed for compliance with the specifications, drawings, special instructions and generally accepted industry standards. Contractor shall furnish all reasonable assistance required by City and its inspectors for the proper inspection of the work. City inspectors shall have the right and authority to reject any and all work that is unsatisfactory, faulty or defective, or does not conform to the requirements of this Contract. City inspectors shall provide Contractor with a written report citing the rejected work as well as the specific areas of nonconformance giving rise to the rejection of the work.
3. Rejected work shall be corrected or replaced by the Contractor at its sole cost and expense, without reimbursement or payment by City. Contractor shall not subcontract material portions of the work without prior written approval of the City. Contractor remains fully responsible for subcontractor performance.

R. Material and Workmanship

All equipment, material, and articles incorporated into the work covered by this Contract shall be new, unless otherwise approved by City in advance of the work and of most suitable grade for the purpose intended, unless otherwise specifically provided in this Contract. References in the specifications to equipment, material, articles, or patented processes by trade name, make, or catalog number, shall not be construed as prohibiting substitution with items or processes of equivalent quality, with the consent of the City.

S. Permits and Responsibilities

The Contractor shall, without additional expense to City on unit price or firm price work, be responsible for obtaining any necessary licenses and permits, and for complying with any Federal, State, and municipal laws, codes and regulations applicable to the performance of work. To the extent permitted by law, Contractor shall be entitled to work under City permits. The Contractor shall comply with all Blue Stakes requirements and shall be solely responsible for damage to underground facilities caused by Contractor's operations. The Contractor shall also be responsible for all damages to persons or property that occurs as a result of the Contractor's fault or negligence. The Contractor shall also be responsible for all materials delivered and work performed until Completion and Acceptance. Notwithstanding the foregoing, City shall be responsible for obtaining all easements and rights-of-way.

T. Protection of Existing Vegetation, Structures, Equipment, Utilities and Improvements

1. The Contractor shall take reasonable measures to prevent damage to any structures, equipment, and vegetation (such as trees, shrubs, and grass) on or adjacent to the work site, which are not to be removed and which do not unreasonably interfere with the work required under this Contract. If tree trimming or tree removal is required to facilitate work, Contractor shall contact City who shall have trees trimmed or removed when such work is appropriate. If any limbs or branches of trees are broken during Contract performance, the Contractor shall trim those limbs or branches with a clean cut.
2. The Contractor shall repair any damage to structures, equipment and vegetation on or

adjacent to work sites caused by Contractor. If the Contractor fails or refuses to repair the damage promptly within ten (10) days of the damage being done, City may have the necessary work performed and Contractor shall pay City its actual direct cost of such remedy plus fifteen (15%) percent.

U. Cleaning Up

The Contractor shall at all times keep the work area, including storage areas, free from accumulations of waste materials. Before completing the work, the Contractor shall remove from the work premises any rubbish, tools, scaffolding, equipment and materials that are not the property of City. Upon completing the work, the Contractor shall leave the work area in a clean, neat, and orderly condition satisfactory to the City.

V. Time Extensions

Notwithstanding any other provisions of this Contract, it is mutually understood that any time extension shall be solely at the discretion of City in accordance with this Contract. The modification or change order granting a time extension may provide that the Project completion date will be extended in its entirety, to specific line items or to portions of line items, and may further provide for consideration (if applicable) under the new completion schedule.

W. Order of Precedence

Any inconsistency in this Contract shall be resolved by giving precedence in the following order: (a) Contract clauses, (b) Exhibits and Appendices, (c) specification and drawings, (d) instructions, and (e) other documents.

X. No Waiver

The failure at any time of either party to enforce any of the provisions of this Contract, or to require at any time performance by the other party of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way be construed to affect the validity of this Contract or any part hereof, or the right of any party thereafter to enforce each and every such provision.

EXHIBIT I SCOPE OF WORK

A. GENERAL

1. The Contractor, if doing business under an assumed name, i.e. an individual, association, partnership, corporation, or otherwise, shall be registered with the Utah State Division of Corporations and Commercial Code.
2. The Contractor shall assume full responsibility for damage to City property caused by the Contractor's employees or equipment as determined by designated City personnel.
3. The Contractor shall be solely responsible for the safety of the Contractor's employees and others relative to the Contractor's work, work procedure, material, equipment, transportation, signage, and related activities and equipment. This includes all traffic control measures when working on lights/poles which hang over street areas.
4. The Contractor shall possess and keep in force all licenses and permits required to perform the services of this Contract.
5. No guarantee of the actual amount of service or product requirement is implied or expressed by this Contract. Service requirements shall be determined by actual need.
6. Prior to notice, the Contractor shall submit its company safety program to the City addressing specific activities and associated hazards. The program shall include requirements applicable to the scope of its work and the protection of the Contractor's employees and the public relative to Contractor's work. The safety program shall include the operations of the Contractor's sub-contractors, at any tier, and include environmental protection, safety, occupational health, respiratory protection, hearing conversations, fire prevention, protection, and hazardous materials handling requirements as applicable. The safety program documents shall be reviewed and approved by the City prior to notice to proceed.

B. Basic Streetlight Maintenance (Unit Price)

The Contractor shall provide asset management, maintenance and repair of City owned streetlights. The City and Contractor, by mutual agreement, will classify each light as one of the following: a Functional light, Decorative (Non-LED) light or an LED light.

Unit pricing will be assigned to these classifications and Basic Streetlight Maintenance will be the responsibility of the Contractor, which includes:

1. Asset Management - Contractor shall provide the Basic Streetlight Maintenance services for the classified streetlights. The City shall have the right to periodically adjust which streetlights will be included in the Basic Streetlight Maintenance Service and the fees shall adjust to reflect changes in the total number. Each new Streetlight erected during the term of this Contract shall be immediately placed on Basic Streetlight Maintenance; however, streetlights installed by the Contractor shall not be billed under the unit pricing until the twelve (12) month warranty period on the new Streetlight installation has expired. The billing exclusion during the twelve (12) month warranty period does not apply to the repair of damages caused by storms, acts of God, or third parties, including but not limited to

knockdowns, cable cuts, vandalism, and civil unrest. Contractor shall be entitled to invoice the City for the repair of the aforementioned damages without restriction and City shall pay said invoice in accordance with the payment terms in Exhibit I, Section (G) of this Contract.

The Contractor shall maintain and manage an electronic database of the streetlights receiving Basic Streetlight Maintenance using Contractor's proprietary CMMS. The CMMS shall maintain a record for each Streetlight repair that identifies: (i) location of the light (lat/long), (ii) type of light, (iii) the number and types of bulbs, ballasts, and/or photocells, and (iv) the dates of installation, repair, and/or replacement. The electronic data of the Streetlight assets shall be downloaded into an Excel file on a monthly basis in support of the billing. The Contractor's CMMS shall be used for electronic work order management and asset reporting. Nothing in this Contract shall be construed as providing the City with ownership, interest in or rights to the Contractor's CMMS application.

2. Material Management - The Contractor warrants that products furnished conform to the requirements specified and are of good merchantable quality and suitable for the purpose intended.
3. Repair of Streetlights - Contractor shall provide all the labor, equipment, and materials to perform the following activities:
 - a. Repair of Functional Lights (HID Cobra and Town & Country fixtures): Basic Streetlight Maintenance
 - i. Bulbs
 - ii. Photocells
 - iii. Glassware cleaning
 - iv. Starting aids
 - v. Ballasts
 - vi. Heads (fixtures)
 - vii. Wire inside pole
 - viii. Faulted copper cable, if installed in accordance with NESC standards - excludes third party damage and storm damage
 - ix. Reset fuses and breakers in Streetlight pole
 - b. Repair of Decorative (Non-LED) Lights: Basic Streetlight Maintenance
 - i. Bulbs
 - ii. Photocells
 - iii. Glassware cleaning
 - iv. Starting aids
 - v. Ballasts
 - vi. Heads (Fixtures)
 - vii. Wire inside pole
 - viii. Wire inside pole
 - ix. Faulted copper cable, if installed in accordance with NESC standards - excludes third party damage and storm damage
 - x. Reset fuses and breakers in Streetlight pole
 - xi. Decorative light lenses and/or fixture replacements
 - xii. Installation/repair/adjustment of light diffusing shields

c. Repair of LED Lights: Basic Streetlight Maintenance

- i. Photocells
- ii. Glassware Cleaning
- iii. Wire inside pole
- iv. Faulted copper cable, if installed in accordance with NESC standards - excludes third party damage and storm damage
- v. Reset fuses and breakers in Streetlight poles
- vi. LED Components

d. Streetlight and pole assemblies shall be visually inspected for deficiencies when other maintenance or repair work is performed at a pole location which involves the use of a bucket truck. Contractor shall perform the following deficiency repairs as identified during the visual inspection:

- i. Tighten bracket arm / cross arm hardware which is loose
- ii. Tighten pole hardware which is loose
- iii. Remove tree limbs physically touching the Streetlight fixture
- iv. Tighten all anchor bolts that are loose

C. Streetlight Repair Work and Other Services (Billable)

The Basic Streetlight Maintenance service is intended to cover the majority of the outages that occur within the Streetlight system. All other maintenance and repair activities shall be considered Streetlight Repair Work or Other Work and billable in accordance with the schedule of prices in Exhibit I, Section (F) (2). Contractor shall provide all the labor, equipment, and materials not provided by the City to perform such activities upon receipt of written authorization from the City, with the exception of pole knockdowns where the Contractor shall take immediate action as is necessary to make the area safe ("Make Safe") as further described in Section (C) (1). The Contractor shall provide any necessary traffic control devices (barricades, cones, signs, flashers, etc.) to warn or keep others out of the work area and to provide safety. The Streetlight Repair Work and Other Services that are billable to the City are set forth below.

1. Make Safe Services - The Contractor shall perform Make Safe services resulting from the knockdown of City owned poles within one(1) hour of being notified of the situation. Make Safe shall include, but shall not be limited to, de- energizing the Streetlight fixtures and cabling; making such repairs or alterations as may be necessary to establish safety prior to pole replacement; providing any necessary traffic control and traffic control devices; removing and disposing of any broken glass or other debris that resulted from the knockdown; and, when necessary, notifying and coordinating efforts with the local police (or other fire or emergency responders) and the local electric power provider.
 - a. Pole and Assembly Replacements - The Contractor shall perform pole and assembly replacements resulting from knockdowns and other replacement of City owned poles as required.
 - b. Repair of Underground Services - Contractor shall provide repairs for underground services to City owned streetlights which are not covered by Basic Streetlight Maintenance. Services for underground cable includes locating, marking, repair and/or replacement of City owned cable damaged by third parties or installations not meeting the NESC codes and City specifications.

- c. Pole painting - Painting shall include preparation and one coat of epoxy paint. Paint to be approved by the City prior to application.
- d. Storm Repair Work - Damage caused by storms shall be repaired by Contractor upon receipt of authorization by the City.
- e. Inspection Services of Work Constructed by Others - Inspection of new poles, pole wiring, and lighting fixtures to document whether they meet NESC and/or NEC standards and the approved plans and specifications. This service will be provided by the Contractor's Journeyman Lineman or equivalent.

D. Streetlight Construction, Removal, and/or Relocation

Contractor shall provide all the labor, equipment, and materials not provided by the City to install new streetlights and remove and/or relocate existing streetlights as requested by the City. The work shall be performed in accordance with the following guidelines:

1. Contractor shall perform new construction, removal and/or relocation of streetlights at a unit price, firm bid or time and material basis. City shall be responsible for billing third parties and collecting monies for such construction, removal, and relocation of streetlights. Contractor shall invoice the City directly for services rendered and City shall pay said invoice within thirty (30) days of receipt regardless of whether City has received payment from third parties.
2. Meet all of the directives on the City provided construction drawings, if any.
3. Meet all requirements of state and local jurisdictions so the City may recover its cost for relocations caused by road widening and other public projects.
4. City shall be responsible for all Streetlight layouts associated with new installations, removals and relocations. Contractor shall prepare Streetlight layouts upon request, with said services billed at the hourly rates provided in Exhibit I, Section (F) (3). In the event the City awards installation work to Contractor, there shall be no separate charge for layout services. All layouts are to be reviewed and approved by the City prior to commencement of construction.
5. Contractor shall be responsible for obtaining all permits and providing all traffic control required by the local jurisdictions.
6. Contractor shall be responsible for requesting Blue Stakes as necessary for work performed by Contractor.
7. Contractor shall comply with all state and local laws governing the construction and maintenance of facilities on public right of way, except as expressly exempted from the NESC, NEC and by City Ordinance.
8. City shall provide all required easements.
9. All materials shall be installed so that all of the material manufacturers' recommendations are met.

10. Installations shall meet all of the current City construction standards.
11. All adjustable materials shall be tightened and secured per manufacturers' specifications.
12. Bases shall be installed so that they are set plumb and flush with the final finished grade.
13. All cable connections and facility groundings shall meet all the City construction standards, local utility standards, and applicable safety codes.
14. Contractor shall restore sites to the pre-work condition and properly dispose of all spoil and construction materials.
15. Contractor shall, at its expense, correct all problems resulting from poor workmanship.
16. Contractor shall supply as-built drawings to City within six (6) weeks of the completion of the work.

E. Service Standards.

1. Service Standards for Basic Streetlight Maintenance (Unit Price)

- a. All Basic Streetlight Maintenance services defined in Exhibit I, Section (B)(3) shall be completed within two (2) business days of a City issued work order reported to the contractor, with the exception of faulted cable services. Faulted cable services require utility marking prior to any digging per State law; faulted cable services will be completed within ten (10) business days of discovery. Special order material shall be replaced by the Contractor as soon as practical and receipt of said special order materials.

2. Service Standards for Streetlight Repair Work (Billable)

- a. All Streetlight Repair Work activities defined in Section (C) of Exhibit I shall be completed within ten (10) business days of authorization by City, subject to lead times for special order materials.
- b. Underground cable problems shall be permanently restored within ten (10) business days of notification to Contractor.
- c. Knockdowns shall be restored within ten (10) business days of being reported to Contractor, subject to lead times for special order materials.

- d. All Streetlight Repair Work activities, requiring special order materials, shall be completed within ten (10) business days of receipt of said special order materials. Contractor shall order special order materials within three (3) business day of request by City for replacement of any pole or fixture which is not a City standard item.

3. Service Guarantee

Contractor shall have an employee respond at the site of a reported outage within two (2) business days on Basic Streetlight Maintenance repairs. In the event Contractor fails to meet the two (2) business day response time, subject to the Uncontrollable Circumstances and Emergency Response, Inclement Weather provisions, and special-order material provisions of this Contract, Contractor shall pay City fifty dollars (\$50.00) per day for each business day Contractor is late in responding to the service event. This payment represents liquidated damages for failure to meet the Service Standards specified herein, and said payment is not a penalty.

Emergency Response: Contractor shall maintain 24-hour emergency response capability throughout the term of the Contract.

For hazardous conditions including pole knockdowns, exposed energized conductors, damaged poles creating a public hazard, or other conditions determined by City to present an immediate threat to public safety, Contractor shall:

- (a) acknowledge the service request within 15 minutes;
- (b) mobilize personnel within one (1) hour; and
- (c) make the site safe as soon as reasonably possible.

Failure to meet these response times may constitute a material breach of this Agreement.

F. Price Schedule

1. Basic Streetlight Maintenance Service Fee (Unit Price)

Contractor shall perform Basic Streetlight Maintenance services for the following:

Light Type	Yearly Cost	Billed Per Month
Functional Light	\$95,090.00*	\$185.00/EA Serviced
Decorative (Non-LED)	\$105,450.00*	\$185.00/EA Serviced
LED Light	\$153,920.00*	\$185.00/EA Serviced

*Assumes (1) Basic Street Light Maintenance and Inspection service per type, per year, labor & bucket truck

The number of streetlights to be maintained will change as the number of streetlights owned or leased by the City changes. Each party shall notify the other of any changes in the number of streetlights to be maintained. Such notification shall include the location of the streetlights added or deleted from the total streetlights being maintained. Contractor shall modify the billing for Basic Streetlight Maintenance Service immediately upon receipt of notification.

2. Streetlight Repair Work and Other Services (Billable)

Streetlight Repair Work and Other Services, as described under Section (C) of Exhibit I, shall be billed as listed below.

	Type of Work	Unit of Measure	Proposed Cost
a.	LED Swap Out	Each	\$250
b.	Make Safe (for pole knockdown situations)	Each	\$1,500
c.	Pole and Assembly Replacement	n/a	Time and Materials
d.	Cable Services	n/a	Time and Materials
e.	Pole Removal and/or Relocation	n/a	Time and Materials
f.	Streetlight Pole Painting (more than 3 poles)	Each	\$500
g.	Inspection Services by Journeyman Lineman	Hour	\$115
h.	All other Streetlight Repair work or other services not referenced	n/a	Time and Materials

3. Streetlight Construction

New streetlights installed by Contractor shall be billed as follows:

a.	Provide and install fiberglass round pole and Town & Country light assembly	\$ 5,575.00	/ each
b.	Provide and install fiberglass round pole and Granville light assembly	\$ 6,250.00	/ each
c.	Provide and install fiberglass round pole and Washington light assembly	\$ 6,995.00	/ each
d.	Provide and install North Yorkshire pole and Town & Country light assembly	\$ 7,250.00	/ each
e.	Provide and install North Yorkshire pole and Granville light assembly	\$ 7,750.00	/ each
f.	Provide and install North Yorkshire pole and Washington light assembly	\$ 8,500.00	/ each

*the above listed streetlight prices include

- Up to 100 feet of conduit
- Up to 100 feet of copper wire
- Includes all foundation materials (base, concrete, anchor bolts, etc)
- Includes in ground power junction box assembly
- Includes handhole and all incidental consumables and materials to install streetlight
- Includes mounting hardware, brackets, nuts, etc

Streetlight layout services provided by Contractor shall be billed as follows:

a.	Lead Layout Specialist	\$ 55.00	/ hour
b.	AutoCAD Technician	\$ 55.00	/ hour
c.	Clerical Support	\$ 45.00	/ hour

Hourly rates include all ancillary equipment. There shall be no separate charge for layout services in the event the City awards Contractor installation work. All layouts are to be submitted for review and approval by the City prior to commencement of construction.

4. Price Escalators

- a. The Unit Prices referenced in Section (F) (1) of Exhibit I shall remain fixed for up to five (5) years.
- b. The Unit Prices referenced in Section (F) (2) and (F) (3) of Exhibit I shall increase by two and one-half percent (2.5%) on the anniversary of the effective date, each year, for five (5) years.
- c. The Labor Rates in Exhibit II shall be adjusted annually on March 1 of each year, in accordance with the annual wage adjustment specified in the Local 57 Union Agreement.
- d. The Equipment Rates in Exhibit II shall be adjusted up or down annually on March 1 of each year in accordance with the change in the Consumer Price Index using the most current 12-month period available. Such revised rates shall become a part of this Contract and remain in effect until March 1 at 12:01 AM the following calendar year.
- e. By February 25 each year, Contractor shall issue City new Time and Material pricing reflecting the specified price adjustments; however, the revised rates shall not become effective until March 1. Such revised rates shall become a part of this Contract and remain in effect until March 1 at 12:01 AM the following calendar year.
- f. Contractor shall provide documentation supporting all escalation requests. No increase become effective without City approval.

G. Billing & Payment

1. Basic Streetlight Maintenance: Contractor shall bill City monthly for the Basic Streetlight Maintenance Service, and City shall pay the undisputed portion of the invoice within thirty (30) days of receipt of invoice.
2. Streetlight Repair Work: Contractor shall submit a separate invoice and itemized breakdown to the City for the Streetlight Repair Work completed in the previous thirty (30) days, and City shall pay the undisputed portion of the invoice within thirty (30) days of receipt of invoice.

H. Performance Period

The term for maintenance and construction services under this Contract shall be for three (3) years from the effective date, with an option to be renewed annually for up to two (2) more years upon written agreement of the parties. For clarity, the term ends at 11:59 PM on the same date as the effective date.

I. Performance Monitoring

City reserves the right to monitor and evaluate Contractor's performance on any and all work performed under this Contract. The evaluation will be measured by the City or City's agent. City and Contractor will develop a systematic reporting system to include the following, but not limited to; all work orders completed, open work orders, average response times, emergency responses, outage trends, warranty claims, recommended system improvements, inventory shortages and long lead-time items, enabling City to monitor Contractor's compliance with all of its obligations under this Contract, including but not limited to Contractor providing City information acquired or produced in handling and performing work orders under this Contract.

J. Minority/Women-Owned Business.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, disability or national origin. The Contractor shall at all times fully comply with all applicable equal opportunity and affirmative action laws, regulations, statutes, ordinances and orders.

K. Specifications

1. Skill - Contractor shall employ only workers and subcontractors who are competent to perform the work assigned to them and who are adequately trained, experienced, and qualified. At least one Journeyman Lineman shall be available to do work for the City.
2. City Right to Remove - City has the right to disapprove, and demand the removal from any work (and the property of City) under this Contract, any craft or management personnel provided by Contractor or any subcontractor; and Contractor shall then promptly cause such personnel to be removed.
3. Work Periods - Work shall generally be performed hereunder Monday through Friday from 7:00am to midnight but the Contractor shall perform work on other days and at other times as necessary to meet the City's needs, or as requested by the City.

L. Special Contract Clauses

1. Uncontrollable Circumstances - Should Contractor be delayed in the final completion of the work required under the Contract by strike, fire, Inclement Weather or other cause outside the control of Contractor, and which, in the reasonable opinion of City, was not contributed to by Contractor, and could not have been reasonably anticipated or reasonably avoided, then an extension of time sufficient to compensate for the delay, as reasonably determined by City, will be granted provided that Contractor gives City prompt notice, confirmed in writing within forty-eight (48) hours, of the cause of delay in each case provided that Contractor has used all reasonable means to minimize the delay. For construction, removal, and/or relocation work, Contractor shall be given an extension of time that is no less than the duration of the Uncontrollable Circumstances to complete the work.

The Parties understand that occurrence of Maintenance and Repair work is cumulative in nature, such that a simple extension of time may not be sufficient to eliminate the backlog of work that arises during the Uncontrollable Circumstance. Therefore, the Parties shall mutually develop a recovery schedule for completing the backlog of Maintenance or Repair work arising from Uncontrollable Circumstances. If Contractor completes the recovery schedule on time, the evaluation of Contractor's performance will not be impacted by the Uncontrollable Circumstances. All Maintenance and Repair work arising after the end of the

Uncontrollable Circumstances shall be subject to the service repair times outlined in this Contract, except in the event that City requests Contractor to divert its workforce to other activities, such as storm restoration, then the Maintenance and Repair work shall be treated as backlog work and subject to a recovery schedule due to Uncontrollable Circumstances.

The following shall not be considered Uncontrollable Circumstances: weather conditions other than Inclement Weather, inadequate construction force or lack of coordination with other contractors, or the failure of Contractor to adequately schedule and supervise the work or obtain the required personnel, equipment or material, or the failure of Contractor to place orders for equipment or materials sufficiently in advance to insure delivery when needed.

2. Inclement Weather - For the purposes of this Contract the term "Inclement Weather" shall be defined as weather conditions under which members of American Fork City are not required to work pursuant to current safety policy.
3. Public Relations - Neither party to this Contract shall release this Contract nor any portion of this Contract to a third party without the prior written approval of the other party, except as may be required by law.

EXHIBIT II

Time and Material Rate

Effective April 30, 2026

1. Labor Rates (Revised annually on March 1 per Exhibit I Section F)

CLASSIFICATION	STRAIGHT TIME	SHIFT PREMIUM	OVER TIME	DOUBLE TIME
Project Management	\$125.00	\$130.00	\$187.50	\$250.00
Superintendent	\$115.00	\$120.00	\$172.50	\$230.00
Journeyman Lineman	\$105.00	\$115.00	\$157.00	\$210.00
Apprentice Lineman	\$85.00	\$90.00	\$127.50	\$170.00
Groundsman	\$55.00	\$60.00	\$82.50	\$110.00
Equipment Operator Foreman	\$75.00	\$80.00	\$112.00	\$150.00
Equipment Operator	\$65.00	\$70.00	\$97.50	\$130.00
Journeyman Electrician Foreman	\$85.00	\$90.00	\$127.50	\$170.00
Apprentice Electrician/Technician	\$75.00	\$80.00	\$112.00	\$150.00
General Labor	\$45.00	\$50.00	\$67.50	\$90.00

Attachment: 2026 Streetlight Contract (Street light repair, construction, and maintenance services)

2. Equipment Rates (Revised annually on March 1 per Exhibit I Section F)

Classification	Hourly Rate
Auto, SUV	\$50.00
Bucket Truck, 37' Reach	\$100.00
Bucket Truck, 55' Reach	\$150.00
Digger Derrick	\$195.00
Pickup, 3/4 to 1 Ton	\$65.00
Flat Bed or Dump Bed - Single Axle	\$75.00
Flat Bed or Dump Bed - Double Axle	\$135.00
Trailer, Pole, Cable, or Flatbed	\$15.00
Trencher	\$50.00
Truck, Tractor	\$150.00
Boring Machine	\$650.00
Trailer Mount Vac-Excavator	\$195.00
Hydro-Vac Excavator	\$295.00
Excavator, Mini	\$150.00
Compressor, Trailer Mount	\$50.00
Arrow Board, Trailer Mount	\$25.00

Any additional equipment furnished by Contractor, which is not owned by the Contractor, will be billed at the actual invoice cost to the Contractor, plus 7%.

3. Material Costs

The billable rate to the City for material costs will be calculated at the actual invoice cost to the Contractor plus 7%.

4. Subcontractor Costs

The billable rate to the City for subcontractor costs will be calculated at the actual invoice cost to the Contractor plus 7%.

5. Surplus Material

In the event that Infrastructure Power Group completes the contract and has surplus material bought specifically for American Fork City, the City will purchase the material at the cost which it was purchased. Payment will be made within 60 days and material will be given to the City within 90 days.

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by their duly authorized representatives as of the Effective Date first written above.

AMERICAN FORK CITY

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney
Date: _____

INFRASTRUCTURE POWER GROUP, LLC

By: Joe Coleman
Name: Joe Coleman
Title: Managing Director
Date: 7/2/2026

ATTEST:

By: _____
City Recorder
Date: _____

Attachment: 2026 Streetlight Contract (Street light repair, construction, and maintenance services)



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Recorder

Director Approval Terilyn Lurker

AGENDA ITEM Review and action on an ordinance amending Title 15 of the city code entitled "Building and Construction" to update the international codes.

SUMMARY RECOMMENDATION

Staff recommends approval of the Ordinance.

BACKGROUND

Every three years the International Fire and Building Codes are updated to meet emerging trends in applicable industries. The city needs to update our municipal code to include the current building codes as adopted by the state.

BUDGET IMPACT

N/A

SUGGESTED MOTION Move to approve the Ordinance amending Title 15 of the American Fork City Code entitled "Buildings and Construction."

SUPPORTING DOCUMENTS

Building Code ordinance 7-2026 (DOC)

ORDINANCE NO.

AN ORDINANCE OF AMERICAN FORK CITY, UTAH, AMENDING TITLE 15 OF THE AMERICAN FORK CITY CODE ENTITLED “BUILDINGS AND CONSTRUCTION”

WHEREAS, the American Fork City Council adopted various International Codes by Ordinance No. 2020-02-08; and

WHEREAS, the American Fork City Council desires to amend Title 15 of the American Fork City Code, entitled “Building and Construction,”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, STATE OF UTAH:

SECTION 1. Title 15 of the American Fork City Code is amended to read as follows:

INTERNATIONAL BUILDING CODE

15.04.010 International Building Code Adopted. The 2024 edition of the International Building Code (IBC), as published by the International Code Council, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of building and structures unfit for human occupancy and use the demolition of such structures; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code, is hereby referred to and adopted as the Building Code of American Fork City. Appendix J is also hereby adopted as part of said code. Except as otherwise provided in *The Code of the City of American Fork, Utah*, all other appendices to the IBC are not adopted as part of said building code.

NATIONAL ELECTRICAL CODE

15.08.010 National Electrical Code Adopted. The 2023 edition of the National Electrical Code as developed by the National Electrical Code Committee of the American National Standards Institute (ANSI), sponsored by the National Fire Protection Association (NFPA), is hereby adopted as the Electrical Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, the appendices to the National Electrical Code are not adopted as part of said code.

INTERNATIONAL PLUMBING CODE

15.12.010 International Plumbing Code Adopted. The 2024 edition of the International Plumbing Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or

maintenance of plumbing systems; providing for the issuance of permits and collection of fees, therefore; and each and all of the regulations provisions, penalties and conditions and terms of said Plumbing Code, is hereby referred to and adopted as the Plumbing Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, the appendices to the International Plumbing Code are not adopted as part of said code.

INTERNATIONAL MECHANICAL CODE

- 15.14.012 International Mechanical Code Adopted.** The 2024 edition of the International Mechanical Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; providing for the issuance of permits and collection of fees, therefore; and each and all of the regulations provisions, penalties and conditions and terms of said Mechanical Code, is hereby referred to and adopted as the Mechanical Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, the appendices to the International Mechanical Code are not adopted as part of said code.

INTERNATIONAL FIRE CODE

- 15.14.014 International Fire Code Adopted.** The 2024 edition of the International Fire Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees, therefore; and each and all of the regulations provisions, penalties and conditions and terms of said Fire Code, is hereby referred to and adopted as the Fire Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, all appendices to the International Fire Code are also adopted as part of said code.

INTERNATIONAL ENERGY CONSERVATION CODE

- 15.14.016 International Energy Conservation Code Adopted.** The 2024 edition of the International Energy Conservation Code, as published by the International Code Council, is hereby adopted as the Energy Conservation Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, the appendices to the International Energy Conservation Code are not adopted as part of said code.

INTERNATIONAL RESIDENTIAL CODE

- 15.14.018 International Residential Code Adopted.** The 2021 edition of the International Residential Code, as published by the International Code Council, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two

family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code, is hereby referred to and adopted as the Residential Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, the appendices to the International Residential Code are not adopted as part of said building code.

INTERNATIONAL FUEL GAS CODE

15.14.020 International Fuel Gas Code Adopted. The 2024 edition of the International Fuel Gas Code, as published by the International Code Council; regulating and governing fuel and gas systems and gas-fired appliances; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said Fuel Gas Code, is hereby adopted as the Fuel Gas Code for American Fork City. Except as otherwise provided in *The Code of the City of American Fork, Utah*, the appendices to the International Fuel Gas Code are not adopted as part of said code.

SECTION 2. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 3. Effective Date

The American Fork City Council specifically finds that it is necessary for the immediate preservation of the health, safety, and welfare of the present and future inhabitants of the City of American Fork that this Ordinance take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of American Fork City this ____ day of July 2026.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 28, 2026**

Department Public Works

Director Approval Sam Kelly

AGENDA ITEM Review and Action on the Award of American Fork City Garage Reorientation Project to Construction IQ LLC

SUMMARY RECOMMENDATION

Staff recommends approval of the Garage Reorientation Project(CT202601) construction contract to Construction IQ LLC.

BACKGROUND

The Engineering Division followed a standard procurement process by issuing an invitation to bids (ITB) through the Utah Public Procurement Place (U3P-Bonfire-Euna). Three (3) different companies provided bids on the project. Construction IQ LLC was the lowest acceptable bid based on the criteria in the issued ITB.

The project consists of reorienting the existing garage from a west-facing configuration to a south-facing configuration. The existing garage footprint and site layout will remain unchanged.

All work must be completed within 90 days of the issuance of the signed Notice to Proceed.

BUDGET IMPACT

This contract will be issued as part of the existing, approved, capital projects budget.

SUGGESTED MOTION

I move that we accept the bid submitted by Construction IQ LLC for reorienting the existing garage from a west-facing configuration to a south-facing configuration. Improvements in the amount of \$27,000.00 and approve the construction contract as presented in addition to a project construction and engineering contingency of \$3,000.00 to be held by the City.

SUPPORTING DOCUMENTS

163S Garage Notice of Award (PDF)

bid summary (PDF)

163S Garage Notice to Proceed (PDF)

NOTICE OF AWARD

To: Construction IQ LLC
14872 S Upper Bend Dr.
Herriman, UT 84096

Project Description: The project consists of reorienting the existing garage from a west-facing configuration to a south-facing configuration. The existing garage footprint and overall site layout will remain unchanged. The work includes the construction and modification of the existing garage located at 163 S 300 W, American Fork, Utah.

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated **May 14, 2026** and Information for Bidders.

You are hereby notified that your BID has been accepted for items in the amount of \$27,000.00.

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance Bond, Payment Bond, and Certificates of Insurance within ten (10) calendar days from the date of this notice to you.

If you fail to execute said Agreement and to furnish said Bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your Bid Bond. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the OWNER.

Dated this _____ day of _____, 2026.

American Fork City

Owner

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF
AWARD is hereby acknowledged

By _____

Title _____

By _____

this the _____ day of _____, 2026.

By _____

Title _____

163S 300W Garage Reorientation Project CT202601 Bid Summary	
Company	Price
Case Construction Roofing	\$ 38,753.00
Construction IQ LLC	\$ 27,000.00
J. Lyne Roberts Sons	\$ 36,216.00

NOTICE TO PROCEED

To: Construction IQ LLC
14872 S Upper Bend Dr.
Herriman, UT 84096

Date: _____

You are hereby notified to proceed with the work in accordance with the Agreement dated _____, 2026.

The Contract Time is ninety (90) calendar days from the date of issuance of the signed Notice to Proceed, within which all work shall be substantially completed.

American Fork City

Owner

ACCEPTANCE OF NOTICE

By _____

Receipt of the above NOTICE TO
PROCEED is hereby acknowledged

Title _____

By _____

this the ____ day of _____, 2026

By _____

Title _____

Garage Reorientation Project

Attachment: 163S Garage Notice to Proceed (Garage Reorientation Project--Award of Construction Contract)