

CHAPTER 13.74: FLOOD DAMAGE PREVENTION REGULATIONS

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ARTICLE I. OVERVIEW

13.74.005: STATUTORY AUTHORIZATION:

The legislature of the state of Utah has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. (Ord. 2012-15, 9-20-2012)

13.74.010: FINDINGS:

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

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

C. The city of Holladay hereby adopts the FEMA flood insurance rate maps (FIRM) and effective FEMA flood insurance studies (FIS) and all subsequent maps and studies of FEMA. (Ord. 2012-15, 9-20-2012)

13.74.020: PURPOSE OF PROVISIONS:

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- G. Ensure that potential buyers are notified that property is in a flood area. (Ord. 2012-15, 9-20-2012)

13.74.030: METHODS OF REDUCING FLOOD LOSSES:

- A. In order to accomplish its purposes, this chapter uses the following methods:

- 51 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases
52 in flood heights or velocities;
53 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage
54 at the time of initial construction;
55 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in
56 the accommodation of floodwaters;
57 4. Control filling, grading, dredging and other development which may increase flood damage;
58 5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase
59 flood hazards to other lands. (Ord. 2012-15, 9-20-2012)
60

61 **ARTICLE II. DEFINITIONS**

62 13.74.040: DEFINITIONS OF WORDS AND PHRASES:

63 See section 13.04.040 of this title. (Ord. 2012-15, 9-20-2012)
64

65 **ARTICLE III. GENERAL PROVISIONS**

66 13.74.051: LANDS TO WHICH THIS CHAPTER APPLIES:

67 This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of Holladay. (Ord. 2012-15, 9-
68 20-2012)
69

70 **13.74.052: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:**

71 The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering
72 report entitled, "The Flood Insurance Study For City Of Holladay", dated ~~September 25, 2009~~ November 19, 2021, with
73 accompanying flood insurance rate maps and flood boundary-floodway maps (FIRMs and FBFMs) and any revisions thereto
74 are hereby adopted by reference and declared to be a part of this chapter. (Ord. 2012-15, 9-20-2012)
75

76 13.74.053: ESTABLISHMENT OF DEVELOPMENT PERMIT:

77 A development permit shall be required to ensure conformance with the provisions of this chapter. (Ord. 2012-15, 9-20-2012)
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79 13.74.054: COMPLIANCE:

80 No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this
81 chapter and other applicable regulations. (Ord. 2012-15, 9-20-2012)
82

83 13.74.055: ABROGATION AND GREATER RESTRICTIONS:

84 This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,
85 where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the
86 more stringent restrictions shall prevail. (Ord. 2012-15, 9-20-2012)
87

88 13.74.056: INTERPRETATION:

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

- 90 A. Considered as minimum requirements;
91 B. Liberally construed in favor of the governing body; and
92 C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2012-15, 9-20-2012)
93

94 13.74.057: WARNING AND DISCLAIMER OF LIABILITY:

95 The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on
96 scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be
97 increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or
98 uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the
99 part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or
100 any administrative decision lawfully made thereunder. (Ord. 2012-15, 9-20-2012)
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