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ORDINANCE NO. 3-84

AN ORDINANCE OF BUTTE COUNTY, IDAHO ESTABLISHING A BUILDING PERMIT PROCEDURE: PROVIDING FOR REVIEW OF CONSTRUCTION PROPOSALS; PROVIDING FOR REVIEW OF FLOOD CONTROL CONSIDERATIONS; PROVIDING FOR REVIEW OF PLACEMENT AND DESIGN OF UTILITIES; PROVIDING FOR PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Board of County Commissioners of Butte County, Idaho, does hereby ordain as follows:

SECTION 1.00 Short Title

This ordinance may be cited and referred to as the Building Permit and Flood Control Ordinance.

SECTION 2.00 Permit Prodecure

2.10 When Required

No person, firm or corporation may erect, construct, enlarge, alter, repair, improve, move, demolish, or build any structure of a value of more than $5,000.00, within the Special Flood Hazard Zone, as hereinafter defined, of Butte County, or any other area subject to flooding, as designated by order the Butte County Commissioners, without having first obtained a separate building permit for each such structure from the Board of County Commissioners or their authorized representative. "Special Flood Hazard Zone" shall be defined as those areas of Butte County, designated as

Special Flood Hazard Zones on the Flood Hazard Boundary Map, issued by the Federal Insurance Administrator, under the National Flood Insurance Program.

2.20 Application Forms

Building permit applications may be obtained from the Clerk of the Board of County Commissioners.

2.20 Information Required

The completed building permit application form shall be returned to the Clerk for review. Accompanying the application shall be a sketch of the location of the proposed building or structure; a narrative explanation of activity proposed, and evidence that all required State and Federal permits have been obtained.

2.30 Permit Approval

Approval or denial of a building permit shall be made by a majority vote of the Board of County Commissioners at a regularly scheduled meeting of that Board. The action taken shall be entered into the minutes of the meeting and thereby constitutes official notification of approval or denial without the necessity of additional forms or letters.

SECTION 3.00 Review Items

3.10 Flooding

The Board shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvements, including prefabricated and mobile homes, must be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.

Anchoring of Mobile Homes shall, at a minimum, require that:

(a) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;

(b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Any additions to the mobile home be similarly Anchored.

The owner must use construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage.

Until such time as a Flood Hazard Boundary Map is published and available, special flood hazard areas identified, and base flood elevation data becomes available, the Board of Commissioners shall obtain, review and utilize such information as is available from other Federal, State or other sources, in requiring that:

(a) All new construction and substantial improvements of residential structures have the lowest floor, including the basement, elevated above the base flood level.

(b) All new construction and substantial improvements of non-residential structures have the lowest floor, including the basement, elevated or flood proofed above the base flood level.

Records of the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, and the elevation to which flood proofing has been done, shall be maintained, by the Board of Commissioners.

3.20 Public utilities and facilities, such as sewer, electrical, and water systems, shall be located, elevated and constructed to minimize or eliminate flood damage, and adequate drainage shall be provided so as to reduce exposure to flood hazards.

3.30 Ordinances and Resolutions

All building permit applications shall be reviewd for verification of compliance with ordinances and resolutions of Butte County which are in effect at the time of permit application.

3.40 Water Course Alterations

All persons and utilities, including Butte County, will notify adjacent communities and the State Coordinating Office of the National Flood Insurance Program (NFLIP) prior to any alteration or relocation of a watercourse, and shall further furnish copies of such notification to the administrator of NFLIP. The flood carrying

capacity of all such altered or relocated watercourses shall be maintained.

3.50 Subdivisions

All subdivision proposals containing more than 50 lots or 5 acres, whichever is less, shall include base flood elevation data, as a condition of approval.

SECTION 4.00 Interpretation and Severability

The provision of this Ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 5.00 Fee

With each building permit application, a Ten Dollar ($10.00) fee will be paid at the time of submittance for review. Said fee is non-refundable, even in the event of denial of a building permit.

SECTION 6.00 Violations and Penalties

Any person, firm or organization, violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and punishable by a maximum fine of not more than $100.00 or by imprisonment for

a period not to exceed 2 days or both such fine and imprisonment.

SECTION 7.00 Each Day A Separate Offense

Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of the provisions of this Ordinance, nor shall such fine or sentence prevent the county from seeking an injunction to prohibit improvement.

SECTION 8.00 Effective Date

This ordinance shall take effect immediately upon passage and publication in the official newspaper.

ADOPTED by the Board of Butte County Commissioners at a regular meeting held May 14, 1984 by the following vote:

Ayes: 3

Nayes: 0

Absent: 0

Abstain: 0

Butte County Board of Commissioners

By: James O. Andreason
JAMES O. ANDREASON, Chairman

ATTEST:

Judith R. Bailey

Clerk