

TITLE 15
BUILDINGS AND CONSTRUCTION

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CHAPTER 15.04

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED

SECTION:

15.04.010 **UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS
BUILDINGS ADOPTED**

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15.04.010 **UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS
BUILDINGS ADOPTED**

That certain document entitled "Uniform Code for the Abatement of Dangerous Buildings," 1976 Edition, published by the International Conference of Building Officials, three copies of which document were made public records by Resolution No. 512 of the Town of Miami, Arizona, are referred to, adopted and made a part hereof as if fully set out in the ordinance codified in this chapter. (Ord. No. 195 § 1, 1976)

15.04.020 **VIOLATION – PENALTY**

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings, or any order issued by the building official thereunder. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in jail of the Town for a term not exceeding six months or by both fine and imprisonment. Each day a violation is permitted to exist shall constitute a separate offense. (Ord. No. 195 § 2, 1976)

CHAPTER 15.08

ELECTRICAL INSPECTIONS

SECTION:

15.08.010

ELECTRICAL INSPECTIONS

15.08.010

ELECTRICAL INSPECTIONS

All wiring shall be inspected by the Town Building Inspector, and for such service, the Town Clerk shall be paid by the party applying in advance, as follows: A minimum fee of fifteen dollars (\$15.00), and no outlets shall be made by any person without first having a permit as provided in this chapter. (Ord. No. 250, 1996: Ord. No. 179, 1974)

CHAPTER 15.12

NUMBERING OF BUILDINGS

SECTION:

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15.12.01 **TITLE AND PURPOSE**

An ordinance adopted to provide for the uniform assignment of property numbers on all private residences, public buildings, businesses, and any other building used for human occupancy, habitation or conducting of business along public and private right-of-ways, easements or any other access routes, renaming of existing streets with conflicting or duplicate names and naming of unnamed and new accesses in order to provide for efficient emergency services and the safety of Town of Miami residents, provide for generation and collection of fees for assignment of new addresses; provide for the enforcement of said Ordinance; and prescribing penalties for the violation thereof. (Ord. No. 239 § 1, 1990: Ord. No. 304, 2008)

15.12.02 **SHORT TITLE**

For the purpose of identification these regulations shall be known as the “Street Naming and Property Numbering Ordinance for the Town of Miami”. (Ord. No. 239 § 2, 1990: Ord. No. 304, 2008)

15.12.03 **APPLICABILITY**

This Ordinance shall apply to all incorporated lands within the Town of Miami. (Ord. No. 239 § 3, 1990: Ord. No. 304, 2008)

15.12.04 **SEVERABILITY**

Should any article, section or regulation of this Ordinance be judicially declared unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid. (Ord. No. 304, 2008)

15.12.05

DEFINITIONS

- 15.12.0501 **Grid Lines:** Grid lines are imaginary lines constructed perpendicular and parallel to base lines. These lines indicate the point where block numbers change from one hundred to the next higher hundred. The Zero Point for the Town of Miami is the intersection of Live Oak Street (Hwy 60) and Latham Boulevard.
- 15.12.0502 **Frontage Units:** A Frontage unit is a standard interval in front footage of an existing parcel used to assign consecutive property numbers, on a street, right-of-way, easement or access route beginning from the nearest grid line.
- 15.12.0503 **Address Prefixes and Suffixes:** Address prefixes are words preceding a street name and indicating a direction. Address suffixes are words following a street name and indicating the type of street.
- 15.12.0504 **Thoroughfare Designations:** Streets are sometimes ranked by function and size, and each category is assigned a specific name suffix called thoroughfare designations.

(Ord. No. 304, 2008)

15.12.06

DEFINITIONS OF THOROUGHFARE DESIGNATIONS

- 15.12.0601 **Boulevard:** A street with a median reflecting the boulevard character and so indicated by the name (also applied to Parkways). A major thoroughfare running in a diagonal direction, rather than east-west or north-south. It must connect at least two sections and act as a collector.
- 15.12.0602 **Courts:** Permanently closed streets such as cul-de-sacs. Horseshoe-shaped streets generally designed by one name throughout their entire length. East-west streets less than 500 feet in length.
- 15.12.0603 **Drives:** Winding thoroughfares, diagonal curvilinear or other types of roads not previously mentioned. Roads that meander about and continue through to other rights-of-way.
- 15.12.0604 **Highways:** Designated State or Federal Highways. This term could be used even when a road generally runs north-south or east-west. U.S. routes are designated as highways.
- 15.12.0605 **Interstate:** Roads of the highest order, characterized by limited access, wide right-of-way, prohibited adjacent to development and with through-traffic preference.
- 15.12.0606 **Lanes:** Reduced right-of-way branching from courts, places, or ways. Curving streets of less than 500 feet. An uninterrupted street ending in a cul-de-sac and generally designed by a name.
- 15.12.0607 **Loops and Circles:** Circles could be short streets that return to themselves. Loops could be short drives that begin and end in the same street.
- 15.12.0608 **Parkways:** (Also see Boulevard) A special scenic route or park drive, generally designated by a name.
- 15.12.0609 **Paths:** A minor local street running in a diagonal direction, usually between a north-south "Street" and an east-west "Avenue", a path may also be a diagonal connector between offset portions of a north-south or east-west collector thoroughfare.

- 15.12.0610 **Place:** A cul-de-sac or permanent dead-end road. North-south streets less than 500 feet in length.
- 15.12.0611 **Roads:** Limited thoroughfares that are frequently used, have heavy traffic volume, and run in any direction. Secondary facilities connecting with a U.S. or state primary highway.
- 15.12.0612 **Street and Avenues:** Streets run north and south and Avenues run east and west. But this may be reversed in municipal areas previously addressed by other authorities using a different method.
- 15.12.0613 **Trails:** A diagonal local street serving as a collector for one or more local thoroughfares.
- 15.12.0614 **Ways:** Dead-end rights-of-way under 500 feet running at oblique angles to the four points of the compass. If there are three or more homes, the road is designated on the grid, even if it is private.

(Ord. No. 304, 2008)

15.12.07 ASSIGNING NUMBERS TO INDIVIDUAL PROPERTIES

- 15.12.0701 Property numbers for dwelling units and places of business on all public and private streets shall be assigned by the Development Services Department in accordance with provisions outlined herein.
- 15.12.0702 Property numbering shall be uniform, based on street frontage.
- 15.12.0703 Property numbering shall be a consecutive manner.
- 15.12.0704 All streets deemed to run north from the centerline of Live Oak Street (Hwy 60) shall have a "North" prefix designation. All streets deemed to run south of the centerline of Live Oak Street (Hwy 60) shall have a "South" prefix designation. All streets deemed to run east of the Zero Point shall have an "East" prefix designation. All streets deemed to run west of the Zero Point shall have a "West" prefix designation. For clarification, Live Oak Street (Hwy 60) is on an East-West alignment and Latham Boulevard is on a North-South alignment. Even numbers shall be assigned on the north and west side of the streets; Odd numbers shall be assigned on the east and south side of the streets.
- 15.12.0705 The numbering system shall allow for expansion to accommodate future growth in the area.
- 15.12.0706 Numbering shall be in accordance with the Town of Miami grid system. One thousand addresses shall be provided per mile for expansion.
- 15.12.0707 **Apartments/Condominiums/Group Housing:**
- A. Numbers shall be assigned where the driveway joins the street. This becomes the street address of all units which face upon the interior court. Separate internal units of condominiums and apartments shall be designated with sub-numbers, not individual property numbers.
 - B. Mobile home parks shall be treated like other multifamily developments. The property shall be assigned one number, and each mobile home shall receive numerical designations such as Sp.1, Sp. 2, Sp. 3, etc. However, if the development is a mobile home subdivision built in conformance with subdivision regulations, the properties shall be treated as individual residences.

- 15.12.0708 **Business Districts:** In a business district, the main entrance to each separate establishment shall have its own number in sequence with other businesses along the street.
- 15.12.0709 **Street Starting from Different Points on the Same Cross Street:** When a street does not begin at the same location as a parallel street, the numbers shall begin with the same number measured from the base line as on the parallel street. Likewise, buildings facing streets that do not extend to the base line at present shall be assigned numbers as if they were extended.
- 15.12.0710 **Diagonal Streets:** The general principle to apply when numbering diagonal streets is to treat the street as either a north-south or an east-west street based on the greatest distance covered in any specific direction.
- 15.12.0711 **Corner Lots:** When assigning a number to a building on a corner lot, assign a number from the street upon which the front entrance faces for a business; or assign a number from the street from which the driveway enters for a residence. Dual addresses shall be avoided. If a corner building has two entrances which both look like front entrances, the decision is based on the general site layout and driveway entrance.
- 15.12.0712 **Duplex Buildings and Rear Houses on Interior Lots:**
- A. Separate numbers shall be assigned to the entrances of a duplex dwelling, and for separate single family dwellings in the rear of other single family dwellings (i.e., garage apartments).
 - B. If a commercial enterprise that is part of a residence has a separate entrance from the street, it may also be assigned a separate number. If there is a rear entrance or a hidden structure, a post should display the number on the path leading to the entrance, even if it is reached through another structure.
 - C. For units on alleys or interior malls where there is no access to a street paralleling the alley, a name is given to the alley and property numbers are assigned.
 - D. If there is access from a parallel street, numbers are assigned from the series on that street. In the case of commercial or industrial facilities, auxiliary buildings would not be assigned separate numbers, but the main building where mail is received and business is transacted would receive a property number.
- 15.12.0713 **Numbering on Circle Streets and Horseshoes:** Circle streets or horseshoe-shaped streets begin and end touching the same street. It is advisable in such cases to ignore compass directions and to give numbers on such streets to correspond with the numbering on the streets where the circle originated. The even numbers shall be on the inside of the circle and the odd number shall be on the outside of the circle. There will be more properties on the outside of the circle than on the inside of the circle. In such cases, numbers shall be assigned in a regular manner to the outside of the street, using consecutive odd numbers, numbers should then be assigned to the side having the shorter frontage so that the numbers correspond with the property on the opposite side of the street. Avoid duplication of numbers if an auxiliary street using a different thoroughfare designation carries the same number as the main street.

(Ord. No. 304, 2008)

15.12.08

STREET NAMES

- 15.12.0801 **Choice of Names:** Names should be chosen that relate to the scale and location of a project.
- A. Objectives – Names should be pleasant sounding, appropriate, easy to read (so the public, and children in particular, can handle the name in an emergency situation), and should add to pride of home or business ownership.
 - B. Categories – Large developments to use a single, signification category; small subdivisions should use the same category as the surrounding or adjacent area, which helps establish location identity.
 - C. Unacceptable Street Names – Numerical names (1st, 2nd, etc.); alphabetical letter (A, B, C etc.); surnames of living persons (pioneer families with accompanying documentation excluded); frivolous, complicated, or undesirable names; unconventional spelling; compound names should sparingly and not on short streets.
 - D. Name Length – The complete road name shall consist of no more than 16 spaces, including road name, spaces between and abbreviation for road suffix.
 - E. Complete Name – A complete name shall consist of no more than four words, including prefix and suffix. Examples:
 - 1. North Toya Vista Road
Prefix (1 word), Primary (2 words), Suffix (1 word)
 - 2. South Calle de Caballos
Prefix (1 word), Primary (3 words), Primary includes the suffix-equivalent.
- 15.12.0802 **Prefixes:** All street names shall begin with one directional prefix, either N., S., E., or W., which shall be assigned with permanent addresses. Additional unnecessary prefixes and suffixes shall be avoided. Combinations of directions are not acceptable. Example: Northwest Sierra Circle.
- 15.12.0803 **Suffixes:** Boulevard, Drive, Road and Parkway for arterial highways used with the discretion of the Development Services Department. Also acceptable are Lane, Avenue, Street, Loop, Circle, Court, Path, Trail and any other designation consistent with the intent of this section.
- 15.12.0804 **Name Duplication:** Similar sounding names are considered to be duplication regardless of spelling. No duplication of names is permitted within the corporate limits of the Town.
- 15.12.0805 **Continuity:**
- A. A continuous street, or one proposed to be continuous, should bear the same name throughout, even though it changes directions. If it is interrupted by a channel, freeway, railroad, etc., and eventual connection is not probable, the segments may bear different names.
 - B. No separate name is to be used for a cul-de-sac that provides street frontage for less than three lots or units. The name shall be the same as that of the intersecting street. Where there is a series of long and short cul-de-sacs, all should have separate names.

15.12.0806 Existing Street Naming and Renaming:

- A. Development Services personnel shall determine the need to name or rename a new or existing street, right-of-way, or private access determined upon criteria set forth in Section 15.12.08 of this Ordinance. Proposed naming and renaming may also be initiated by citizen petition in accordance with this Section. Citizen petitions must have signatures of at least 50% of the property owners who own property adjacent to the street subject to the proposed naming.
- B. For proposed changes to an existing street, right-of-way, or access, Development Services personnel shall proceed with the method set forth in Section 15.12.0806C for public notification.
- C. Development Services personnel shall notify the public of a proposed road naming or name change by the following method:
Development Services personnel shall originate a letter describing the naming or name change and a sketch of the road in question to be sent directly to all property owners of record along the road proposed to be named or renamed. This letter shall state the reason for naming or renaming the road.
- D. If proposed names changes are not objected to or if alternative names presented by residents and/or landowners are approved, changes may be adopted by the Town Council at their next regularly scheduled meeting.
- E. After the granting of a name change, any subsequent proposed name changes shall not be considered for a period of 5 years.
- F. All renaming of streets not required by this Ordinance will be done at the expense of the person or group submitting the request of name change. The fees will be set in accordance to the Street Addressing Fee Schedule approved by the Town Council and the fee must be receipted in the Development Services Department prior to proceeding with the request. A petition will need to be completed, following the steps as stated in A above. The petition will be presented to the Town Council for approval.

15.12.0807 Guidelines for Renaming Existing Streets: The following guidelines shall be followed for renaming existing streets which have names that are duplicated within the Town of Miami. They are not listed in order of preference or importance.

- A. Does one street have any historical reason for having the name it has?
- B. Which street has the least number of houses on it and thus would require the least number of address changes?
- C. Which street has had its name for the longest period of time?
- D. Is the name appropriate according to the other street names in the neighborhood?
- E. Which street name is used for the longest distance or the most traveled section?

15.12.0808 Street Names and Numbering in New Subdivisions:

Street names and numbering shall be determined in accordance with the street naming and numbering policy adopted by resolution of the Town Council. Along with the preliminary plat map, the sub divider shall submit a street naming proposal to the Development Services Department. Said proposal shall include

copies of (1) a map of the overall tract illustrating street layout, and (2) an alphabetical list of the proposed street names, together with an alternate name for each name proposed. The Development Services Department shall review the proposed street names for duplication of names, appropriateness of names, and for overall compliance with the street naming policy. Approved street names shall be included in the final plat map which is submitted to the Town Council for approval and for recordation.

(Ord. No. 304, 2008)

15.12.09 **STREET SIGNS**

15.12.0901 **Characteristics:** Signs used on Town streets, public rights-of-way and private streets will be approved by the Development Services Department.

15.12.0902 **Installation:** Street name signs, approved by the Development Services Department shall be installed within new subdivisions by the sub divider at the intersection of all streets and highways and at such other locations as may be determined to be necessary by the Development Services Department.

(Ord. No. 304, 2008)

15.12.10 **POSTING OF PROPERTY NUMBERS**

15.12.1001 **Methods and Characteristics for Posting Designated Street Addresses:**

- A. Property numbers shall be attached to dwelling units or buildings, located so as to be visible from and oriented toward the street from which address is taken. These numbers shall be of comparable size and material as those initially provided by the Development Services Department.
- B. When a house or building is some distance from a road, or when view of the house or building is blocked by trees or shrubs, property numbers shall be on a sign attached to a tree, fence, gate, or lawn stake.
- C. On a corner lot, the property number shall face street named in the address.
- D. Numerals indicating the official address for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located.
- E. If there is a rear entrance or a hidden structure, a post shall display the number on the path leading to the entrance.
- F. In the case where a principal building is occupied by more than one business or family dwelling unit (duplex), each separate front entrance shall display a separate number.
- G. Devices providing numbering for directional assistance may be placed throughout an apartment or condominium complex. Where parking facilities are not attached to the dwelling units, no property numbers shall be affixed to said parking facilities.

15.12.1002 **Responsibilities to post Property Numbers:**

- A. Each owner or occupant or every person in charge of any residence or building to which a number has been assigned may be notified in writing

by the Rural Addressing Office of the number assigned to the same at any time after the adoption of the ordinance.

- B. Within sixty (60) days after the receipt of such written notification from the Development Services Department the owner or occupant or person in charge of a residence or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place.
- C. It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for or confused with the number assigned to said structure by the Department.
- D. If a property number is damaged, lost, or in any way destroyed, said number shall be replaced immediately by the owner, occupant, or person in charge of the residence or building at their expense. Said replacement shall be purchased from the Development Services Department or shall be of comparable material and size as the original numbers posted.

(Ord. No. 304, 2008)

15.12.11 **PENALTIES**

- 15.12.1101 **Violations, Enforcement by Civil Penalty:** In the event that the owner or occupant or person in charge of any residence, building or structure to which a correct address has been assigned refuses to comply with the terms of this ordinance within sixty (60) days of notification by failing to affix the number assigned or to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto, they shall be subject to civil penalty. Violations of this Ordinance may be enforced pursuant to ARS § 9-500.21 as a civil offense.

(Ord. No. 304, 2008)

15.12.12 **FEES**

- 15.12.1201 A schedule of fees shall be set by the Town Council to collect monies to cover expenses incurred during road name changes and property addressing. The schedule of fees shall be posted in prominent place in the Development Services Department and copies shall be available to the public upon request.
- 15.12.1202 The Town Council may change the schedule of fees as needed to keep current with rising costs without affecting any change in this Ordinance itself.

(Ord. No. 304, 2008)

15.12.13 **AMENDMENTS**

- 15.12.1301 The provisions of this Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed following a public hearing at which parties in interest and other citizens have an opportunity to be heard. Notice of the public hearing shall be as provided in ARS § 9-812 and ARS § 39-204.

(Ord. No. 304, 2008)

CHAPTER 15.16

TRAILER COACHES AND TRAILER COACH PARKS

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15.16.010 **DEFINITIONS**

As used in this chapter:

“Trailer coach” means and includes any vehicle or similar portable structure so designed and constructed as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons, or for the conduct of any business or profession, occupation or trade.

“Trailer coach park” means and includes an area of land on which two or more occupied trailer coaches are harbored, either free of charge or for revenue, together with any building, structure or enclosure used as part of the equipment of such park.

(Ord. No. 161 § 2, 1964)

15.16.020 **TRAILER COACHES REGULATED**

It is unlawful, within the limits of the special fire zone of the town, for any person, firm or corporation to park any trailer coach on any street, alley, highway, or other public place or on any privately-owned tract of land, occupied or unoccupied, except for purposes of trailer sales; or trailer coaches especially designed and constructed for the conduct of a licensed business, trade or profession; or on a trailer coach park licensed and established in accordance with the provisions of the ordinance codified in this chapter; or, if for dwelling purposes, without first having obtained permission from the Mayor and Common Council of the Town so to do.

Each trailer coach, whether parked on a lot, parcel or tract of land, for dwelling, business, trade or professional purposes, or on a trailer coach park, shall be allotted a site of not less than one thousand (1,000) square feet. No trailer coach shall be parked closer than five feet to the side lot lines of adjoining property, or closer than ten feet to a public street, alley or building. Each individual trailer site shall abut or face on a driveway or clear unoccupied space of not less than twenty (20) feet in width, which space shall have unobstructed access to a public street, highway or alley. There shall be an open space of at least ten feet between the ends of every trailer coach. (Ord. No. 171 § 1, 1969; Ord. No. 161 § 3, 1964)

15.16.030**TRAILER COACH PARK LICENSES REQUIRED**

- A. It is unlawful to park any trailer coach for business, trade professional purposes; or to establish, maintain or operate any trailer coach park in the town, as heretofore provided, without first having obtained a license as required for such purposes or as provided by the provisions of this chapter.
- B. Applications for trailer coach park licenses shall be made in writing to the Town Clerk and shall contain the name of the applicant, the location of the proposed park and the number of trailer to be accommodated. Each such application shall be accompanied by a plat or sketch showing the size and location of all buildings and structures.
- C. The annual fee for such trailer coach park licenses shall be one hundred dollars (\$100.00). When a license is applied for during the license year, the fee shall be prorated on the basis of the number of months remaining in the license year.
- D. No such license shall be issued to any but a person of good character, not to any corporation where any officer thereof is not a person of good character. It is unlawful to hire or keep as manager, superintendent or person in charge of a trailer coach park any person who is not a person of good character.
- E. Each trailer coach park, while operated, shall be in charge of a responsible attendant or caretaker at all times, who shall be responsible, with the licensee, for compliance with the provisions of this chapter relating to the conduct of such parks.

(Ord. No. 161 § 4, 1964)

15.16.040**ADEQUATE WATER SUPPLY REQUIRED**

An adequate supply of water for drinking and domestic purposes from the local water supply system shall be supplied to meet the requirements of such trailer coach park. Such water shall be obtained from faucets only, conveniently located in such park. No common drinking cups shall be permitted. (Ord. No. 161 § 5, 1964)

15.16.050**FACILITIES REQUIRED**

Each trailer coach park shall provide toilets, baths or showers which shall comply with the provisions of the ordinance relating thereto, with separate accommodations for men and women. (Ord. No. 161 § 6, 1964)

15.16.060**GARBAGE COLLECTION REQUIRED**

It shall be the duty of the owner, his agent or caretaker to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition. (Ord. No. 161 § 7, 1964)

15.16.070**GROUND'S LIGHTING REQUIRED**

The parks shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors. (Ord. No. 161 § 8, 1964)

15.16.080**PARKING OF TRAILER COACHES RESTRICTED**

No person shall park or occupy any trailer coach outside of the special fire zone, but within the boundaries of the general fire zone of the town, without first having secured approval of the Sanitation Officer of the Town. (Ord. No. 161 § 9, 1964)

15.16.090**COMPLIANCE WITH BUILDING CODE REQUIRED**

It is unlawful for any person to park or locate a trailer coach, whether for living or business purposes, without compliance with the ordinance relating to electrical wiring, plumbing, sewer facilities, sanitation and other regulations applicable thereto.

It is unlawful for any person to remove the wheels or other transporting device from any trailer coach or otherwise to affix such trailer coach permanently to the ground so as to prevent ready removal of such trailer coach, unless a permit to do so is obtained as is required for the construction of a new building. (Ord. No. 161 § 10, 1964)

15.16.100**TRAILER COACH STORAGE**

Nothing in this chapter shall be construed to prohibit the storage of any trailer coach for any length of time when such trailer is not used for living or business purposes and it is stored or parked in a private garage building or in a rear yard. (Ord. No. 161 § 11, 1964)

15.16.110**VIOLATION – PENALTY**

Any person, firm, or corporation violating any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment in the Town jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. No. 161 § 12, 1964)

CHAPTER 15.20

FLOOD DAMAGE PREVENTION REGULATIONS

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STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

15.20.010 STATUTORY AUTHORIZATION

The Legislature of the State of Arizona has in ARS 48-3610 enabled the Town to assume the powers and duties for floodplain management, and adopt regulations in conformance with ARS 48-3609 designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council of Miami, Arizona, does ordain as follows. (Ord. No. 234 § 1, 1988:Ord No. 358, 2018)

15.20.020 FINDINGS OF FACT

- A. The floodplains of Miami may be subject to periodic inundation which may result in 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.
- B. These flood losses may be caused by the cumulative effect of obstructions in areas of floodplains which increase flood heights and velocities, and when inadequately anchored cause damage in other areas, Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. No. 234 § 1.2, 1988:Ord. No. 358, 2018)

15.20.030 STATEMENT OF PURPOSE

It is the purpose of the ordinance codified in this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flooding by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditures of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To 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. To help maintain a stable tax base by providing for the sound use and development of areas of floodplains so as to minimize future flood blight areas;
- G. To participate in and maintain eligibility for flood insurance and disaster relief.

(Ord. No. 234 § 1.3, 1988:Ord. No. 358, 2018)

15.20.040

METHODS OF REDUCING FLOOD LOSSES

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

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

(Ord. No. 234 § 1.4, 1988;Ord. No. 358, 2018)

ARTICLE II

DEFINITIONS

15.20.050

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 it's most reasonable application.

"Accessory structure" means a structure that is on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO and AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from an average of one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means the computed elevation to which floodwater is anticipated to rise during the base flood.

"Basement" any area of the building having its floor sub-grade – i.e., below ground level - on all sides.

"Building" see "Structure".

"Community" means any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Development" means any man-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 located within the area of special flood hazard.

“Elevation certificate” means an administrative tool of the National Flood Insurance program (NFIP) that is used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Erosion” means the process of the gradual wearing away of landmasses. This peril is not, per se, covered under the National Flood Insurance Program.

“Flood” or **“flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (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 definition.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM and the water surface elevation of the base flood.

“Floodplain” or **“flood-prone area”** means any land area susceptible to being inundated by water from any source (see definition of “flood”).

“Floodplain Administrator” means the Town Manager of the Town of Miami, or designee, who is authorized by the Floodplain Board to administer the provisions of this chapter or designee added by amendment.

“Floodplain Board” means the Town Council of Miami at such times as they are engaged in the enforcement of this chapter.

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

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

“Flood proofing” means any combination of structural and nonstructural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system

typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

“Floodway” means the channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than a designated height.

“Functionally dependent use” means 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.

“Governing body” means the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Article VI of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Town of Miami requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

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

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “Manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

“Market value” means replacement cost of a structures less depreciation since construction.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced..

“New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map 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 a community and includes any subsequent improvements to such structures.

“Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

“Program” means the National Flood Insurance Program authorized by 42 U.S.C. 4001-4128.

Recreational vehicle” means a vehicle which is:

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

“Regulatory flood elevation” means an elevation one foot above the base flood elevation.

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

“Riverine” means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

“Special flood hazard area” means an area in which the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Insurance Rate Map as Zone A, AO, AE, AH or A99.

“Start of construction” includes substantial improvement, and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, construction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the

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

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“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 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” any reconstruction, rehabilitation, addition, or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.

The term does not, however, include either:

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

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” the height, in relation to the National Geodetic Vertical Datum (NGVD) of

1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

“Zone A” no Base Flood Elevation determined.

“Zone AE” Base Flood Elevations determined.

(Ord. No. 297, 2004:Ord. No. 358, 2018)

ARTICLE III

GENERAL PROVISIONS

15.20.060 **LANDS TO WHICH THIS CHAPTER APPLIES**

This chapter shall apply to all areas of special flood hazards within the corporate limits of Miami. (Ord. No. 234 § 3.1, 1988:Ord. No. 358, 2018)

15.20.070 **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitle "The Flood Insurance Study (FIS) for Gila County and Incorporated Areas", dated December 4, 2007", with accompanying Flood Insurance Rate Maps (FIRMs), dated December 4, 2007, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at the Gila County Administration Building. (Ord. No. 234 § 3.2, 1988: Ord. No. 297:Ord. No. 358, 2018)

15.20.080 **COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. No. 234 § 3.3, 1988:Ord. No. 358, 2018)

15.20.090 **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 other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 234 § 3.4, 1988:Ord. No.358, 2018)

15.20.100 **INTERPRETATION**

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

- A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and
 - C. Deemed neither to limit nor repeal any other powers granted under State Statutes.
- (Ord. No. 234 § 3.5, 1988:Ord. No.358, 2018)

15.20.110**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 man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town, any officer or employee thereof, or the State of Arizona, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. No. 234 § 3.6, 1988;Ord. No. 358, 2018)

15.20.120**STATUTORY EXCEPTIONS**

- A. In accordance with ARS 48-3609(H), unless expressly provided, this and any regulation adopted pursuant to this article do not affect:
1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of 50 percent of its market value as determined by a competent appraiser, any further use shall comply with this article and regulations of the Town of Miami;
 2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or on the date any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50 percent or more shall be either floodproofed or elevated to or above the Regulatory Flood Elevation;
 3. Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613;
 4. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2; and
 5. In accordance with A.R.S. § 48-3613(D), in addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to A.R.S. Title 48, Chapter 21, Article 1. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.
- B. Before the following types of construction authorized by A.R.S. § 48-3613(B) begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment pursuant to A.R.S. § 48-361(C):

1. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
2. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.s. Title 45, Chapter 6;
3. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;
4. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;
6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
7. The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

(Ord. No. 234 § 3.7, 1988:Ord. No. 358, 2018)

15.20.130

DECLARATION OF PUBLIC NUISANCE

All development located or maintained within any Special Flood Hazard Area after August 8, 1973, in violation of this ordinance, is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision. (Ord. 2 No.34 § 3.8, 1988:Ord. No. 358, 2018)

15.20.140

ABATEMENT OF VIOLATIONS

Within thirty (30) days of discovery of a violation of this ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within thirty (30) days of receipt of this report, the Floodplain Board shall either:

- A. Take any necessary action to effect the abatement of such violation; or
- B. Issue a variance to this ordinance in accordance with the provisions of Article VI herein; or
- C. Order the owner of the property upon which the violations exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within thirty (30) days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board with twenty (20) days. At the next regularly scheduled public meeting, the Floodplain Board

shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Article VI herein; or

- D. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

(Ord. No.234 § 3.9, 1988:Ord. No. 358, 2018)

15.20.150

UNLAWFUL ACTS

- A. it is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.
- B. Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

(Ord. No.234 § 3.10, 1988:Ord. No. 358, 2018)

15.20.160

SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid. (Ord. No. 358, 2018)

ARTICLE IV

ADMINISTRATION

15.20.170

ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.20.070. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of material, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO, elevation of existing grade and proposed elevation of the lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood proofed;

- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meeting the flood proofing criteria in Section 15.20.190C3; and
- D. Base Flood Elevation data for subdivision proposals or other development greater than 50 lots or 5 acres, whichever is the lesser; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. No.234 § 4.1, 1988;Ord. No. 297, 2004;Ord. No. 358, 2018)

15.20.180

DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

- A. Review all development permits to determine that:
 - 1. The permit requirements of this chapter have been satisfied;
 - 2. All other required State and Federal permits have been obtained;
 - 3. The site is reasonably safe from flooding;
 - 4. The proposed development does not adversely affect the carrying capacity of the floodway. For purposes of this chapter, "adversely affects" means 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.
- B. Review all development permits for improvements and/or damages to existing structures to determine if the application of the substantial improvement rules apply, including establishing a definition of market value determination and verifying that the estimated improvement and/or repair costs are less than 50% of the market value of the structure.
- C. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.20.070, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Article V. Any such information shall be submitted to the Floodplain Board for adoption.
- D. Obtain and maintain for public inspection and make available as needed for flood insurance policies:
 - 1. The certified elevation required in Section 15.20.190C1;
 - 2. The certification required in Section 15.20.190C2 AND 15.20.230;
 - 3. The flood proofing certification required in Section 15.20.190C3; and
 - 4. The certified elevation required in Section 15.20.220B, 15.20.220C, 15.20.220E, 15.20.220F and 15.20.220G
- E. Whenever a watercourse is to be altered or relocated:
 - 1. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of watercourse, and submit evidence of such notification to FEMA;
 - 2. Require that the flood carrying capacity of the altered or located portion of such watercourse is maintained.
- F. Base Flood Elevation and rate of flow due to physical alterations:

1. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
 2. Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the base flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.
- G. Advise the Flood Control District of Gila County and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of development plan, of all application for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the corporate limits of the town. Also, advise the Flood Control District of Gila County in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the District's area of jurisdiction. Written notice and copy of the plan of development shall be sent to the district no later than three working days after having been received by the Floodplain Administrator. .
- H. Corporate Boundary Changes:
1. Notify the Federal Emergency Management Agency of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction
- I. 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). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI.
- J. Take action on violations of this chapter as required in Section 15.20.150.
(Ord. No.234 § 4.2, 1988:Ord. No. 358, 2018)

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

15.20.190

STANDARDS OF CONSTRUCTION

In all areas of special flood hazards the following standards are required:

- A. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - 2. All manufactured homes shall meet the anchoring standards of Section 15.20.230B.
- B. Construction Materials and Methods.
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.
 - 3. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Elevation and Floodproofing.
 - 1. **Residential Construction.**

Residential construction, new or substantial improvement, shall have the lowest floor, including basement, elevated to or above the Regulatory Flood Elevation.

 - a. In a Zone AO, the Base Flood Elevation is determined from the FIRM panel. If unspecified, the required elevation is at minimum two (2) feet above highest adjacent grade.
 - b. In a Zone A where the Base Flood Elevation has not been determined, the Base Flood Elevation is determined locally by the criteria set out in 15.20.180C.
 - c. In Zones AE and AH, the Base Flood Elevation is determined from the FIS and/or FIRM.
 - d. A garage attached to a residential structure, constructed with the garage flood slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters. See section 15.20.190.5(a) or (b).

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.
 - 2. **Nonresidential Construction.**

Nonresidential construction, new or substantial improvement, shall have the lowest floor either elevated to conform with 15.20.190C1(a), (b), or (c),
Or, together with attendant utility and sanitary facilities,

- a. Be floodproofed below the elevation recommended under 15.20.190C1(a), (b) or (c) so that the structure is watertight with the wall substantially impermeable to the passage of water; and
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing standards of this section are satisfied shall be provided to the Floodplain Administrator for verification.

3. **Manufactured Homes.**

Manufactured homes shall meet the standards in 15.20.230.

4. **Accessory Structures (Detached Garages & Storage Structures).**

Accessory structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Regulatory Flood Elevation, provided the structures is designed and constructed in accordance with the following requirements:

- a. Use of the accessory structure must be limited to parking of vehicles or storage;
- b. The portions of the accessory structure located below the Regulatory Flood Elevation must be built using flood resistant materials;
- c. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- d. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Regulatory Flood Elevation;
- e. Each accessory structure must comply with floodway encroachment provisions in 15.20.230; and
- f. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 15.20.190.5(a)(b), or (c).

Detached garages, storage structures and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in 15.20.190C1(a), (b), or (c).

Upon completion of the structure, certification by a registered professional engineer or surveyor that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

5. **Flood Openings.**

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

For non-engineered openings:

- a. Have a minimum of two openings, on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

- b. The bottom of all openings shall be no higher than one foot above grade;
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

Alternatively, a registered engineer or architect may design and certify engineered openings.

6. Machinery and Service Equipment.

All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. No.234 § 5.1, 1988:Ord. No. 358, 2018)

15.20.200

STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

- A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited in SFHA.
- B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(Ord. No. 234 § 5.2, 1988:Ord. No. 358, 2018)

15.20.210

STANDARDS FOR UTILITIES

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into system and discharge from systems into floodwaters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- C. Waste disposal systems shall not be installed wholly or partially in a floodway. (Ord. 234 § 5.3, 1988:Ord. No. 358), 2018

15.20.220

STANDARDS FOR SUBDIVISIONS

- A. All preliminary subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - 1. Identify the special flood hazard area and the elevation of the base flood; and
 - 2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the Base Flood Elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. No. 234 § 5.4, 1988:Ord. No. 358, 2018)

15.20.230

STANDARDS FOR MANUFACTURED HOMES

All manufactured homes that are placed on site or substantially improved shall:

- A. Be elevated to conform with 15.20.190C1(a), (b), or (c) so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is to or above the Regulatory Flood Elevation; and
- B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(Ord. No. 234 § 5.5, 1988:Ord. No. 358, 2018)

15.20.240

STANDARDS FOR RECREATIONAL VEHICLES

All recreational vehicles placed on site shall:

- A. Be on site for fewer than 180 consecutive days;
- B. Be fully licensed and ready for highway use. 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; or
- C. Meet the permit requirements of Article IV of this ordinance and the elevation and anchoring requirements for manufactured homes in 15.20.230.

(Ord. No. 234 § 5.6, 1988:Ord. No. 358, 2018)

15.20.250

FLOODWAYS

Located within areas of special flood hazard established in Section 15.20.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwater which carry debris, potential projectiles and erosion potential, the following provisions apply.

- A. Prohibit encroachments, including fill, new constructions, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base food discharge;
- B. All new construction and substantial improvements shall comply with other applicable flood hazard reduction provision of Article V.

(Ord. No. 358, 2018)

ARTICLE VI
VARIANCE PROCEDURE

15.20.260 **APPEAL BOARD**

- A. The Floodplain Board of Miami shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Floodplain Board shall hear and decide appeals 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 chapter.
- C. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and;
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger of life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration rate of rise and sediment transport of the floodwaters expected at the site; and
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.
- D. Generally, 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 regulatory flood elevation. Providing Articles IV and V have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Upon consideration of the factors of subsection A – D of this section and the purposes of this chapter, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The Floodplain Administrator shall maintain the records of all appeal actions and include justifications for their issuance.

(Ord. No. 234 § 6.1, 1988;Ord. No. 358, 2018)

15.20.270**CONDITIONS FOR VARIANCES**

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures' continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. Determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 15.20.050 in the definition of "Functionally Dependent Use".
 - 4. 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.
- E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notice will also state that the land upon which variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided for by ARS 37-610. A copy of the notice shall be recorded by the Floodplain Board in the Office of the Gila County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. No. 358, 2018)