



ROY CITY

Roy City Council Agenda
May 5, 2015 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Cordova

1. Approval of April 21, 2015 City Council Minutes
2. Presentation of Fiscal Year 2016 Budget
3. Consideration of Ordinance No. 1079 Prohibiting the Avoidance of Traffic Control Devices; Cutting Corners
4. Consideration of Resolution No.1076 Declaring Certain Property as Surplus and Authorizing its Sale
5. Consideration of Ordinance No. 1080 Amending Title 12- Flood Control
6. City Managers Report
7. Public Comments
8. Mayor and Council Report
9. Adjourn

Redevelopment Agency Agenda

1. Approval of June 3, 2014 Redevelopment Agency Minutes
2. Presentation of Fiscal Year 2016 Budget

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: admin@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 1st day of May, 2015. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 1st day of May, 2015.

AMY MORTENSON,
ROY CITY RECORDER

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Roy City Council Agenda Information – (801) 774-1020

MINUTES OF THE APRIL 21, 2015, ROY CITY COUNCIL MEETING

1. Approval of the April 7, 2015, minutes
2. Presentation by Utah Risk Management Mutual Association
3. Consideration of an Interlocal Agreement between Weber County on behalf of the Weber County Clerk's Office, Elections Division, and Roy City for the purpose assisting the City in conducting the 2015 Primary and General Municipal Elections
4. Consideration of Resolution No. 1075 approving a job description and salary range for a part-time Heavy Equipment Operator
5. Consideration of a request for preliminary subdivision approval of Cragun Subdivision, a small two (2) lot subdivision located at approximately 5567 South 2300 West
6. City Manager's report
7. Public comments
8. Mayor and Council reports
9. Adjourn

Minutes of the Roy City Council Meeting held April 21, 2015, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

| | |
|-----------------------------|-----------------------------|
| Mayor Willard Cragun | City Manager Andy Blackburn |
| Councilwoman Marge Becraft | City Attorney Clint Drake |
| Councilman John Cordova | Secretary Michelle Drago |
| Councilman Brad Hilton | |
| Councilman Dave Tafoya | |
| Councilwoman Karlene Yeoman | |

Also present were: Carl Merino, Police Chief; Steve Parkinson, Planner; Les Cragun, Garrett MacArthur; Joe Paul; Madison Paine; Tiffany Russell; Jesse Dixon; Erick Dixon; Lella Argyle; Kambri Spinden; Scott Barton; Zackary Barton; Jake Jones; Mikala Pandoff; Tyler D., Hunter Carter; Jacob Litter; Stacey MacArthur; Brian Fowers; David Webb; Amy Webb; Garin Mahnke; Blake Lamb; Patrick Robello Andrew Sharon; Maria Vega; McKade Spendlove; and Paul Johnson.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Boy Scout Troop 263 – Jake Jones and Zackary Barton

Mayor Cragun welcomed students from Roy High School

1. APPROVAL OF THE APRIL 7, 2015, MINUTES

Councilman Cordova moved to approve the minutes of April 7, 2015, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. PRESENTATION BY UTAH RISK MANAGEMENT MUTUAL ASSOCIATION

Paul Johnson, URMMA, stated that Utah Risk Management Mutual Association was created in 1985 by an interlocal agreement between numerous Utah municipalities. URMMA only insured municipalities because of its forming documents. The interlocal agreement called out municipalities exclusively. Recently a small special service district requested permission to join URMMA. Before URMMA could even talk to the district, the interlocal agreement had to be amended to allow special service districts. Mr. Johnson said the Board of Directors was interested in insuring special services districts. Before the Board prepared the documents to amend the interlocal agreement, they asked that he approach each city council to see if there was any objection to allowing special service districts to join URMMA. Mr. Johnson said each City would have to agree to the

amendment as all changes to the interlocal agreement had to be unanimous. An affirmative response now did not mean a municipality would be required to approve the amendment to the interlocal agreement.

Mr. Johnson explained that special service districts were typically dedicated to one function. Whereas the cities they insured usually had their own water system, sewage system, and police and fire departments. Including special service districts would not be adding a different type of liability. They usually had less litigation than cities, but they could be sued and had been. Mr. Johnson said the special service district in question would have negligible effect on URMMA funds and none on the other cities. Cities paid their own losses. URMMA did not charge other cities for one city's loss. If the interlocal agreement was amended to allow special service districts, URMMA would vet each district individually. URMMA would look at their loss record and risk management culture. Would they be willing to reduce risk and make safety improvements? They would have to be willing to make their systems better and safer to reduce liability in order to be welcome with URMMA. Not everyone would fit with URMMA.

Mr. Johnson said the service district that made the request was a very small fire district surrounding the town of Enterprise. It did not have its own firefighting apparatus and only had one part-time employee. It contracted with Enterprise, who was insured by URMMA. Its chance of having much exposure wasn't great. In addition, State law granted fire fighters immunity for the purpose of fighting fires. They were not immune for accidents in route to a call. Paramedics had some immunity as well for providing medical care at the scene of an accident. He wasn't worried this special service district would have a lot of exposure that a larger district might have. URMMA's philosophy was that each entity paid back its losses. The only potential effect on URMMA funds was if there was a catastrophic loss. URMMA had a safety net for its members. In any given year if there was a big loss, a member's payments wouldn't go up more than 25% of the previous year. The loss was capped, and then URMMA reserves kicked in up to the point of self-insured retention. It was when the umbrella policy kicked in, which for small entities was \$250,000. URMMA paid a premium for \$6 million of coverage that didn't come out of its coffers. He felt adding special service districts would reduce operation costs for everyone overall. He asked if the City Council had any objection, at this point, to including special service districts.

Councilwoman Becraft asked if each special service district would be considered case by case. Mr. Johnson said URMMA would investigate, interview, and inspect each special service district. If the results were not favorable, URMMA would not accept them.

Councilman Tafoya felt the majority of special service districts would meet URMMA's qualifications. He felt it would come down to cost and whether URMMA could do better than their current insurance carrier.

Councilman Cordova asked how many special service districts there were. Mr. Johnson said there were about 430. He didn't expect special service districts to be beating URMMA's doors down.

Councilman Hilton asked if URMMA planned to recruit additional special service districts. Mr. Johnson anticipated adding five to six special service districts. If the amendment was approved, he would approach some special service districts.

Councilman Tafoya felt URMMA might be able to attract some small special service districts, but felt it would be hard to interest the larger ones. It would come down to whatever saved an entity the most money.

Mayor Cragun stated the URMMA came into existence because insurance rates escalated to the point cities could not afford to purchase liability insurance. URMMA had been good for the cities. He could understand why smaller entities would be looking for economical ways to do business. He wasn't opposed to allowing special service districts to join URMMA. He felt URMMA should move forward and bring an amendment back for the Council to consider.

3. CONSIDERATION OF AN INTERLOCAL AGREEMENT BETWEEN WEBER COUNTY ON BEHALF OF THE WEBER COUNTY CLERK'S OFFICE, ELECTIONS DIVISION, AND ROY CITY FOR THE PURPOSE OF ASSISTING THE CITY IN CONDUCTING THE 2015 PRIMARY AND GENERAL MUNICIPAL ELECTIONS

Andy Blackburn stated that the interlocal agreement formalized the City Council's decision to use the hybrid election option. The hybrid option included a mail-in ballot and polling places.

Councilman Tafoya moved to approve an interlocal agreement between Weber County on behalf of the Weber County Clerk's Office, Elections Division, and Roy City for the purpose of assisting the City in conducting the 2015 Primary and General Municipal Elections. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Cordova, Yeoman, Becraft, Tafoya, and Hilton voted "aye." The motion carried. (Copy filed for record).

4. CONSIDERATION OF RESOLUTION NO. 1075 APPROVING A JOB DESCRIPTION AND SALARY RANGE FOR A PART-TIME HEAVY EQUIPMENT OPERATOR

Andy Blackburn stated that the administration had discovered that five years ago a part-time position for a heavy equipment operator had been created. All positions had to be created by the City Council. The administration wanted to make sure the position was created correctly. The position was different than other similar positions. An employee in the Parks Department was using an \$80,000 mower, carried on a \$30,000 trailer, pulled

by a \$40,000 truck. Every day the employee serviced the equipment to make sure it was functioning correctly.

Councilman Cordova asked if this was a seasonal, part-time position. Mr. Blackburn said it was full time.

Councilman Hilton asked if there was someone filling the position now. Mr. Blackburn said there was. Because the Council was formally creating the position, the current employee would have to apply for the position just like everyone else. Councilman Hilton said the need was there, but it was currently being filled.

Councilwoman Yeoman said the job description said the position was seasonal. Mr. Blackburn verified with Travis Flint via text messaging that the position was not full time.

Mayor Cragun stated that the same seasonal, summer employee operated the street sweeper in the fall and took a load off of the Public Works Department.

Councilman Tafoya wanted to verify that approval of this job description would not add another employee. Mr. Blackburn said it would not. The Council would be approving the description of a job being done by a current employee.

Councilman Hilton moved to approve Resolution No. 1075 approving a job description for a part-time heavy equipment operator with the salary range to be set by the staff. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Tafoya, Becraft, Yeoman, Cordova, and Hilton voted “aye”. The motion carried. (Copy filed for record).

5. CONSIDERATION OF PRELIMINARY SUBDIVISION APPROVAL OF CRAGUN SUBDIVISION, A SMALL TWO (2) LOT SUBDIVISION LOCATED AT APPROXIMATELY 5567 SOUTH 2300 WEST

Steve Parkinson, Planner, stated that the City had received a request from Les Cragun for preliminary approval of a simple, two-lot subdivision located at 5567 South 2300 West. The property was zoned R-2, and there was a duplex on the north side of the property. The south portion was vacant. There was enough vacant land to subdivide for a single-family home. Mr. Parkinson said the property had curb, gutter, and sidewalk. The subdivision would not change much in the neighborhood, except eliminate weeds.

Councilwoman Yeoman felt the new lot would help clean up the area.

Councilwoman Yeoman moved to grant preliminary approval of the Cragun Subdivision located at approximately 5567 South 2300 West based on the staff’s findings and subject to the conditions recommended by the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

6. CITY MANAGER'S REPORT

Andy Blackburn reminded the City Council about Comcast Cares Day on Saturday, April 25th, from 7:00 a.m. to 12:00 p.m. at Sandridge Park. Everyone attending needed to fill out an application. He asked that the Council return their applications to Amy Mortenson by Wednesday, April 22nd.

Councilwoman Yeoman stated that members of her neighborhood were holding a service project on the same morning. If they finished early could they come up to Sandridge Park? Mr. Blackburn said Comcast required that all participants submit an application. Councilman Hilton felt the applications were used by Comcast to determine the donation amount for the schools. There was a discussion about ways to make sure each participant had a signed application. Mr. Blackburn said he would talk to Amy Mortenson about a way citizens could turn in a late application.

Andy Blackburn stated that the Council members were welcome to attend a meeting with Randy Jeffries from UDOT regarding the closure of 1750 West at Riverdale Road. The meeting would be held on site on Wednesday, April 22nd, at 9:00 a.m. The City's traffic engineer, Dr. Joe Perrin, would also be at the meeting. UDOT was concerned about visibility for left hand turns and felt the seven existing business driveways complicated the situation for right-hand turns. Roy City had an alternative it wanted to propose.

Councilman Tafoya stated that he would not be able to attend the meeting. However, he was opposed to any change to the intersection. It had never been an issue before. Why was an issue now? Hundreds of citizens used it. Now there was southbound access to I-15, it was simple for people to turn left from 1750 West and then left again onto I-15. Yes, there was an occasional accident, and the City hoped no one was injured. This had never been a problem intersection. He felt forcing traffic to make a left hand turn at 5175 South 1900 West would be just as bad.

Andy Blackburn stated he Council was not making any decisions and it would be an informal, informative meeting. The City was making a formal pitch to UDOT, and it did have an expert who had a proposal.

Mayor Cragun wasn't happy about the proposed closure. He understood UDOT had some valid concerns, but so did the City. Seventeen Fifty (1750) West was a City road, not a State road. The changes should be dictated by the City. He felt Randy Jeffries was a rational, reasonable man. He felt UDOT would work with the City.

Councilman Cordova stated that ten to eleven years ago the City purchased land from the adjacent property owner to square up the 1750 West intersection. The land was not cheap. He didn't feel UDOT had taken that expenditure into consideration. Andy Blackburn said the City property was shown on the diagram to be presented to UDOT.

Andy Blackburn stated that there would be a combined work session with the Planning Commission on Tuesday, April 28th, at 6:00 p.m. to listen to a presentation from The Utah Sign Association and discuss the City's current Sign Ordinance.

Steve Parkinson said the Planning Commission had started discussing revisions to the Sign Ordinance and wanted to get additional information. He would arrange for a room with a screen where an informal meeting could be held.

7. PUBLIC COMMENTS

Brian Fowers, 2040 West 4350 South, asked about the status of North Park. He understood construction would begin in April. Mr. Blackburn said construction would not start in April. The City had not received funding it had hoped for. It had been able to work out another funding option and construction would be starting soon. Mr. Blackburn asked Mr. Fowers to contact him in the office on Wednesday, and he would have more information.

8. MAYOR AND COUNCIL REPORTS

Mayor Cragun thanked Police Chief Merino for his efforts. Several people had commented that he had been seen out in the community in his uniform. He asked that Council members report on the status of the Beautification Committee and economic development items.

Mayor Cragun stated that Garrett MacArthur, the representative from the Youth City Council, had to be excused early due to another commitment.

Councilwoman Becraft reported that bases for the new street lights were being installed along both sides of 1900 West. There would be a total of 40 lights. Councilwoman Yeoman said the new lights would replace the old lights. Councilwoman Becraft said the wall feature and sign were out to bid. The bids would be in near the end of the month.

Councilman Cordova stated that Mayor Cragun, Andy Blackburn, Councilman Hilton, and he met with some economic development consultants. Two planned to submit proposals to the City. One was a quite sharp and knowledgeable. Andy Blackburn would forward the proposals to the City Council when they were submitted. Councilman Hilton felt both consultants brought some great ideas to the table. He felt it would be in the best interest of the City to move forward with at least one of the proposals.

Andy Blackburn stated that Councilman Cordova had requested that the City adopt an ordinance prohibiting driving through a corner property to avoid waiting for a traffic signal. Such an action was not prohibited by State law. The City Attorney had written the ordinance. It would be presented at the next Council meeting. Councilman Cordova felt that drivers that cut through corner properties created traffic hazards.

Clint Drake, City Attorney, stated that if the Council passed the traffic regulation, an article should be included in the City's newsletter. Then someone who received a ticket couldn't say the City never notified the residents. Layton City had a similar ordinance.

Mayor Cragun said he met with the secondary water district to learn about the water situation. They said the City should be able to water most of the year. There were a number of water restrictions coming. He had asked that the City consider an ordinance that would prohibit watering between the hours of 10:00 a.m. and 6:00 p.m. to help conserve water. If secondary water was shut off early, the City needed to have regulations in place so the City didn't have to purchase treated water for citizens to water their lawns.

Councilman Hilton reported that Roy High School graduation was approaching. The City usually budgeted money to help with the graduation party. He asked McKade Spendlove to report on the party details.

McKade Spendlove, 4625 South 2575 West, stated that he was the Roy High School Senior Class President. This year the graduation party would be held at the Syracuse Fun Center on May 20th from 11:00 p.m. to 4:00 a.m. The party was just for seniors. Items would be raffled off throughout the night. The high school was asking if the City would be willing to contribute \$1,000 for the party as it had in the past. Andy Blackburn said the money was in the budget. He would have the staff cut a check and send it to the school.

9. ADJOURN

Councilman Cordova moved to adjourn at 6:46 p.m. Councilman Hilton, seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder

ORDINANCE NO. 1079

**AN ORDINANCE OF THE ROY CITY COUNCIL AMENDING TITLE 6 CHAPTER 1
OF THE ROY MUNICIPAL CODE BY ADDING SECTION;
PROHIBITING THE AVOIDANCE OF TRAFFIC CONTROL DEVICES**

WHEREAS, motorists traveling through Roy City are increasingly driving through private in an effort to avoid traffic control devices; and

WHEREAS, cutting through these properties to avoid traffic control devices creates an unsafe environment; and

WHEREAS, the Roy City Council finds that it is in the best interest of the City and the public health, safety and welfare of its citizens to pass an ordinance prohibiting the avoidance of traffic control devices by cutting through private property; and

NOW, THEREFORE, be it ordained by the Roy City Council that it hereby amends Title 6 Chapter 1 to include and adopt the following Section.

SECTION 8

Avoiding traffic control devices; Cutting through Corners

(1) No driver of any motor vehicle shall drive through or across any private driveway or public property, such as a gas station or similar area, whether vacant or not, to avoid any intersection or regulation by traffic control devices, unless specifically directed to do so by police, fire or authorized personnel.

(2) No person shall drive any motor vehicle through any private driveway, lot, or similar area where any business establishment, retail store, drug store, cafe, drive-in, or any other kind of a business is located, to avoid obedience to any traffic regulation.

(3) Driving by any person or a motor vehicle upon or through any such private driveway, lot, or similar area without stopping shall constitute prima facie evidence of a violation of this Section.

Willard Cragun – Mayor

Attest:

Amy Mortenson – City Recorder

| | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------|------------|------------|----------------|---------------|
| Councilmember John Cordova | _____ | _____ | _____ | _____ |
| Councilmember Willard Cragun | _____ | _____ | _____ | _____ |
| Councilmember Brad Hilton | _____ | _____ | _____ | _____ |
| Councilmember Michael Stokes | _____ | _____ | _____ | _____ |
| Councilmember Dave Tafoya | _____ | _____ | _____ | _____ |

Resolution No. 1076

**A Resolution of the City of Roy City Council
Declaring Certain Property as Surplus and Authorizing its Sale**

WHEREAS, the Roy City Public Works Department owns equipment or property that has exceeded its useful life and no longer serves the needs of the City, a list of which is attached here to as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, the Public Works Department desires the equipment or property to be declared as surplus by the Roy City Council; and

NOW, THEREFORE, the Roy City Council does hereby resolve as follows:

The equipment/property described on the attached Exhibit “A” is declared surplus to the needs of the City. Staff is instructed to sell all items for the best available price or properly dispose of items that it is unable to sell.

Passed and adopted this 5 day of May, 2015.

Willard Cragun, Mayor

Attest:

Amy Mortenson
City Recorder

Councilwoman Becraft _____

Councilman Cordova _____

Councilman Hilton _____

Councilman Tafoya _____

Councilwoman Yeoman _____

“Exhibit A”

| YEAR | MAKE / DESCRIPTION | MODEL | VIN / SERIAL NUMBER |
|-------------|--------------------------------------|--------------|----------------------------|
| 1993 | Chevrolet | S19 | 1GBKC34N7PJ104128 |
| 2005 | Asphalt Zipper | S36 | 48hd0205 |
| UNK | Whiteman Concrete Saw | FS2 | FL0390635 |
| UNK | Graco Line Lazer II Paint Sprayer | 3900 | BA5918 |



SYNOPSIS

Application Information

Applicant: Steve Parkinson
Request: To approve Ord. No. 1080 to amend Title 12 – Flood Control

Staff

Report By: Steve Parkinson; Planning & Zoning Administrator 

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 12 – Flood Control

BACKGROUND

A few months ago staff was contacted by John Crofts of the Utah National Flood Insurance coordinator, informing us the need to adopt or readopt new Flood Damage Prevention measures that satisfy Code of Federal Regulations (CFR) 44 section 60.3 (b) before June 2, 2015.

Staff has gone through our current Title 12 and comparing them to the new requirements as stated in CFR 44 – 60.3 (b) have made propose amendments to bring Title 12 in line with the requirements of CFR 44.

Staff has also looked at current procedures within the city as it relates to Title 12. Currently Title 12 is under the direction of the Public Works Director, however all FEMA maps and questions regarding the maps are within the Planning & Zoning Administrators office, thus the proposed changes also change which office is responsible for Title 12.

If we don't adopt these proposed amendments to Title 12 before June 2, 2015, our City will be suspended from the National Flood Insurance Program (NFIP). If we become suspended our community becomes ineligible for Flood insurance through the NFIP, new policies cannot be sold and existing policies cannot be renewed.

FINDINGS

- The proposed amendments of Title 12 satisfy CFR 44 section 60.3 (b)

RECOMMENDATION

Staff recommends approval of Ordinance No. 1080, to amend to Title 12 – Flood Control as proposed.

EXHIBITS

- A. Ordinance 1080

ORDINANCE No. 1080

AN ORDINANCE ADOPTING THE FLOODPLAIN MANAGEMENT MEASURES OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

WHEREAS, On October 24, 1978, the Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs) in the City of Roy; and

WHEREAS, FEMA recently completed a re-evaluation of flood hazards in the City of Roy; and

WHEREAS, FEMA provided the City with preliminary copies of the Flood Insurance Study (FIS) report and FIRM identifying existing flood hazards in the City; and

WHEREAS, in order for the City of Roy to continue to be eligible in the National Flood Insurance Program (NFIP), Roy City must adopt or show evidence of adoption of the floodplain management regulations prior to June 2, 2015

NOW, THEREFORE, be it hereby ordained that:

FLOOD CONTROL DAMAGE PREVENTION

CHAPTER I - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES METHODS

SECTION:

- 12-1-1: Statutory Authorization
- 12-1-2: Findings of Fact
- 12-1-3: Statement of Purpose
- 12-1-4: Methods of Reducing Flood Losses

12-1-1: STATUTORY AUTHORIZATION: The legislature of the state of Utah Code Ann. § 10-3-701 and Utah Code Ann. § 17-53-201 ~~has in Utah code 10-1 et seq.~~, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 958, 12-6-2005)

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

12-1-2: FINDINGS OF FACT:

- A. The flood hazard areas of Roy City are 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 are caused by the cumulative effect of obstructions in ~~areas of special flood hazard 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, flood-proofed or otherwise protected from flood damage. when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.~~ (Ord. 958, 12-6-2005)

12-1-3: STATEMENT OF PURPOSE: It is the purpose of this title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

- A. ~~To p~~ Protect human life and health;
- B. ~~To m~~ Minimize expenditure of public money for costly flood control projects;
- C. ~~To m~~ Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. ~~To m~~ Minimize prolonged business interruptions;
- E. ~~To m~~ Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in ~~areas of special flood hazard floodplains~~;
- F. ~~To h~~ Help maintain a stable tax base by providing for the sound use and development of ~~areas of special flood hazard so flood prone areas in such a manner~~ as to minimize future flood blight areas; and
- G. ~~To e~~ Ensure that potential buyers are notified that property is in ~~an area of special a flood hazard area~~; and
- H. ~~To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.~~ (Ord. 958, 12-6-2005)

12-1-4 METHODS OF REDUCING FLOOD LOSSES: In order to accomplish its purposes, this title 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 floodwaters~~;
- 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 flood waters or which may increase flood hazards in other areas. (Ord. 958, 12-6-2005)

CHAPTER 2 - DEFINITIONS

SECTION:

12-2-1: Definitions of Words and Phrases

12-2-1: DEFINITIONS OF WORDS AND PHRASES: Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meanings they have in common usage and to give this title its most reasonable application:

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

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

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

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

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

BASE FLOOD ELEVATION (BFE): Is the water surface elevation of the one (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING: see structure.

DEVELOPMENT: means Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

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

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

EXISTING STRUCTURES: see existing construction.

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

FLOOD OR FLOODING:

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

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

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

B. 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 paragraph (a)(1) of this definition.

FLOOD INSURANCE RATE MAP (FIRM): means ~~A~~an official map of a community on which the ~~federal emergency management agency Administrator~~ has delineated ~~both the special hazard areas of special flood hazard designated as zone A~~ and the risk premium zones applicable to the community.

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

FLOOD PLAIN OR FLOOD-PRONE: area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOOD PROOFING: means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: see regulatory floodway.

FLOODWAY ENCROACHMENT LINES: mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

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

FUNCTIONALLY DEPENDENT USE: means a 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.

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:

A. 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;

B. 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;

C. Individually listed on a state inventory of historic places in states with historic reservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or

2. Directly by the Secretary of the Interior in states without approved programs.

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

LEVEE SYSTEM: means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sec. 60.3.

MANUFACTURED HOME: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when ~~connected~~ attached to the required utilities. This term ~~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" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP: means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

MEAN SEA LEVEL: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 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 FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed

(including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: means a vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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.

SPECIAL FLOOD HAZARD AREA: see "area of special flood hazard".

SPECIAL HAZARD AREA: means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A.

START OF CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE:

A. For floodplain management purposes: means Aa walled and roofed building or manufactured home, including a gas or liquid storage tank that is principally aboveground.

B. For insurance purposes: means

1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

2. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

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

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

~~A. Any repair, reconstruction or improvement of a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:~~

~~1. Before the improvement or repair is started, or~~

~~2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~B. The term does not, however, include either:~~

~~1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or~~

~~2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. (Ord. 958, 12-6-2005)~~

means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds Fifty percent (50%) of the market value of the structure before 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:

A. 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

B. 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 by a community from the terms of a flood plain management regulation.

VIOLATION: means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

CHAPTER 3 - GENERAL PROVISIONS

SECTION:

12-3-1: Applicable Lands

12-3-2: Basis for Establishing Areas of Special Flood Hazard

12-3-3: ~~Establishment of Development Permit Compliance~~

12-3-4: ~~Compliance Abrogation And Greater Restrictions~~

12-3-5: ~~Abrogation and Greater Restrictions Interpretation~~

12-3-6: ~~Interpretation Warning and Disclaimer Liability~~

~~12-3-7: Warning and Disclaimer of Liability~~

~~12-3-8: Severability~~

12-3-1: APPLICABLE LANDS: This title shall apply to all areas of special flood hazard within the jurisdiction of Roy City. (Ord. 958, 12-6-2005)

12-3-2: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD: The areas of special flood hazard identified by the Federal Emergency Management Agency in ~~its flood insurance rate map (FIRM), dated December 16, 2005, is a scientific and engineering report entitled, "The Flood Insurance Study for Roy City, dated June 2, 2015, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby~~ adopted by reference and declared to be part of this title. ~~The FIRM is on file at technological hazards division, FEMA Denver Federal Center, Denver, Colorado. Roy City automatically adopts effective FEMA Flood Insurance Studies (FIS), and automatically adopts effective FEMA Flood Insurance Rate Maps.~~ (Ord. 958, 12-6-2005)

~~12-3-3: ESTABLISHMENT OF DEVELOPMENT PERMIT: A Development Permit shall be required to ensure conformance with the provisions of this ordinance.~~

12-3-~~34~~: COMPLIANCE: No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this title and other applicable regulations. (Ord. 958, 12-6-2005)

12-3-~~45~~: ABROGATION AND GREATER RESTRICTIONS: This title is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this title and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 958, 12-6-2005)

12-3-~~56~~: INTERPRETATION: In the interpretation of this title, 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. 958, 12-6-2005)

12-3-~~67~~: WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection required by this title 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 manmade or natural causes. This title does not imply that land outside the areas of special flood hazard or uses permitted within such areas of special flood hazard will be free from flooding or flood damages. This title shall not create liability on the part of Roy City, any officer or employee thereof, or the federal emergency management agency, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 958, 12-6-2005)

~~12-3-8 SEVERABILITY: If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.~~

CHAPTER 4 - ADMINISTRATION; DEVELOPMENT PERMIT

SECTION:

12-4-1: Establishment of Development Permit

12-4-2: Designation of ~~Public Works Director~~ the Floodplain Administrator

12-4-3: Duties and Responsibilities of ~~Director~~ the Floodplain Administrator

12-4-1: 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 12-3-2 of this title. Application for a development permit shall be made on forms furnished by the public works director, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 12-5-2B of this title; and
- D. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development. (Ord. 958, 12-6-2005)

12-4-2: DESIGNATION OF ~~PUBLIC WORKS DIRECTOR~~ FLOODPLAIN ADMINISTRATOR: The ~~public works director~~ Zoning Administrator is hereby appointed the Floodplain Administrator to administer and implement this title and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. by granting or denying development permit applications in accordance with its provisions. (Ord. 958, 12-6-2005)

12-4-3: DUTIES AND RESPONSIBILITIES OF ~~DIRECTOR~~ THE FLOODPLAIN ADMINISTRATOR: Duties ~~of the public works director~~ shall include, but not be limited to:

- A. Permit Review:
 1. Review all development permits to determine that the permit requirements of this title have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 3. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this title, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
 - b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
 - c. If the proposed development is a building, then the provisions of this title shall apply.

B. Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with section 12-3-2, "Basis For Establishing Areas Of Special Flood Hazard", of this title, the public works director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements, or other development in zone A are administered in accordance with section 12-5-2, "Specific Standards", of this title.

C. Information To Be Obtained And Maintained:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

b. Maintain the floodproofing certifications required in subsection 12-4-1C of this chapter.

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

D. Alteration Of Watercourses:

1. Notify adjacent communities and the Utah state division of comprehensive emergency management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.

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

E. Interpretation of FIRM Boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). (Ord. 958, 12-6-2005)

CHAPTER 5 - PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION:

12-5-1: General Standards

12-5-2: Specific Standards

[12-5-3: Standards for Subdivision Proposals](#)

[12-5-4: Penalties for Noncompliance](#)

12-5-1: GENERAL STANDARDS: In all areas of special flood hazard, 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 and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

- a. Over the top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one additional tie per side;
- b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side;
- c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- d. Any additions to the manufactured home be similarly anchored.

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

C. Utilities:

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

D. Subdivision Proposals:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

E. Encroachments: Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 958, 12-6-2005)

12-5-2: SPECIFIC STANDARDS: In all areas of special flood hazard where base flood elevation data has been provided as set forth in subsection 12-4-3B, "Use Of Other Base Flood Data", of this title, the following standards are required:

A. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least one (1) foot or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 12-4-3 A 1, is satisfied.

B. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one (1) foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water; and

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certifications shall be provided to the official as set forth in subsection 12-4-3C2 of this title. (Ord. 958, 12-6-2005)

C. Manufactured Homes: Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

12-5-3 Standards for Subdivision Proposals

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with 12-1-2, 12-1-3, 12-1-4 of this title.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of 12-3-3, 12-4-3; and the provisions of Chapter 5 of this title.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to 12-3-2 or 12-4-2 of this title.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

12-5-4 Penalties for Noncompliance

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

This Ordinance has been approved by the following vote of the Roy City Council:

Councilman Becraft _____

Councilman Cordova _____

Councilman Hilton _____

Councilman Tafoya _____

Councilman Yeoman _____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this 5th Day of May, 2015.

Attested and Recorded

Willard S. Cragun; Mayor

Amy Mortenson; City Recorder

MINUTES OF THE JUNE 3, 2014, REDEVELOPMENT AGENCY MEETING

1. Motion to Convene
2. Approval of the May 6, 2014, minutes
3. Public hearing on the Proposed Fiscal Year 2015 RDA Budget
4. Consideration of Resolution No. RDA-74 Approving the FY 2015 Budget
5. Adjourn

Minutes of the Roy City Redevelopment Agency Meeting held June 3, 2014, at 7:06 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Chairman Willard Cragun
Board Member Marge Becraft
Board Member John Cordova
Board Member Brad Hilton
Board Member Dave Tafoya
Board Member Karlene Yeoman

City Manager Chris Davis
City Attorney Andy Blackburn

Also present were: Cathy Spencer, Management Services Director; Ross Oliver, Public Works Director; Mike Elliott, Police Chief; Jason Poulsen, Fire Chief; Travis Flint, Parks and Recreation Director; Kent Howard; Gardner Crane; Vicki Stevenson; Rachel Trotter; and Michelle Drago.

1. MOTION TO CONVENE

Board Member Cordova moved to convene a Redevelopment Agency Meeting at 7:06 p.m. Board Member Becraft seconded the motion. Board Members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. APPROVAL OF MAY 6, 2014, MINUTES

Board Member Cordova moved to approve the minutes of May 6, 2014, as written. Board Member Yeoman seconded the motion. Board Members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried

3. PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2015 RDA BUDGET

Cathy Spencer, Management Services Director, stated that RDA budget for FY2015 totaled \$2,265,475. Tax increment for 2015 accounted for \$203,000 of the total budgeted amount. In Project Area No. 4 – the 1900 West area – there was \$459,000 available that could be used for beautification. There were funds available in Project Area No. 2 – the Wasatch Executive Park – that could be used to help reconstruct George Wahlen North Park.

Chairman Cragun asked about funding for beautification along 1900 West. Ms. Spencer said the project area extended from Walgreen’s to Sacco’s on the east side of 1900 West.

Chris Davis stated that the RDA would have to receive the Tax Committee’s approval before the funds could be used for anything besides beautification.’

Mayor Cragun stated that he received a lot of comments regarding the need for beautification of the City's entrance. Maybe the funding could be used to address that issue.

Board Member Cragun opened the floor for public comments. There were none.

Board Member Hilton moved to close the public hearing at 7:11 p.m. Board Member Cordova seconded the motion. Board Members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF RESOLUTION NO. RDA-74 APPROVING THE FY 2015 BUDGET

Board Member Becraft moved to approve Resolution No. RDA-74 adopting the 2014-2015 Fiscal Budget beginning July 1, 2014, and ending June 30, 2015. Board Member Tafoya seconded the motion. A roll call vote was taken: Board Members Becraft, Cordova, Tafoya, Yeoman, and Hilton voted "aye." The motion carried. (Copy filed for record).

5. ADJOURN

Board Member Tafoya voted to adjourn at 7:12 p.m. Board Member Cordova seconded the motion. Board Members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Attest:

Willard Cragun
Chairman

Amy Mortenson
Recorder