

Title 15 BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.02 - BUILDING CODE

Chapter 15.04 - ELECTRICAL CODE

Chapter 15.06 - ENERGY CONSERVATION CODE

Chapter 15.08 - FIRE CODE

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Chapter 15.02 BUILDING CODE

Sections:

[15.02.010 Code Adoption.](#)

[15.02.020 Exemptions.](#)

15.02.010 Code Adoption.

That the approved editions of the following nationally recognized codes, as adopted by the State of Idaho or the Idaho Building Code Board or Bannock County, are adopted as the official building codes of the City of Inkom:

International Building Code

International Residential Code, parts I-IV and IX

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho Building Code Board effective on the date any such codes are made effective by the Idaho Building Code Board or Bannock County.

(Ord. 02-217, § 1)

15.02.020 Exemptions.

Agricultural buildings are exempt from the building codes adopted herein but shall remain subject to placement requirements established by zoning regulations.

(Ord. 02-217, § 2)

Chapter 15.04 ELECTRICAL CODE

Sections:

[15.04.010 National electrical code adopted.](#)

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15.04.010 National electrical code adopted.

All electrical wiring, installation or electrical fixtures, apparatus or electrical appliances, for furnishing light, heat or power, or other electrical work introduced into or placed in or upon or in any way connected on any building or structure within the limits of the city, shall be in conformity with the provisions set forth in the 1953 National Electrical Code, Standard of the National Board of Fire Underwriters for Electrical Wiring and Apparatus as Recommended by the National Fire Protection Association, including amendments thereto, effective January 1, 1955, entitled "Provisions for Air Conditioning Units" containing Sections 4291, 4292 and 4293, and all fittings and materials used in such construction or installation shall be such as are sanctioned and approved in the latest list of electrical fittings published by the National Board of Fire Underwriters, and the same is adopted and incorporated as fully and completely and with same force and legal effect as if set out verbatim in this chapter and of which not less than three copies have been and now are filed in the office of the city clerk.

(Prior code § 4-301)

15.04.020 Damage not assumed by city.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or installing any electrical wires, appliances, apparatus, construction or equipment, for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming such liability by reason of inspection authorized in this chapter, or certificate of inspection issued by the city clerk.

(Prior code § 4-342)

Chapter 15.06 ENERGY CONSERVATION CODE

Sections:

[15.06.010 Code Adoption.](#)

[15.06.020 Exemptions.](#)

15.06.010 Code Adoption.

That the approved editions of the following nationally recognized codes, as adopted by the State of Idaho or the Idaho Building Code Board, are adopted as the official building codes of the City of Inkom:

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International Energy Conservation Code

The adopted versions of the foregoing code shall be deemed superseded by successive versions of such code as they are adopted or approved by the Idaho Building Code Board effective on the date any such codes are made effective by the Idaho Building Code Board.

This adoption is in addition to the previous adoption of other building codes and not in replacement of such other codes.

(Ord. 02-218, § 1)

15.06.020 Exemptions.

Agricultural buildings are exempt from the building codes adopted herein but shall remain subject to placement requirements established by zoning regulations.

(Ord. 02-218, § 2)

Chapter 15.08 FIRE CODE

Sections:

[15.08.010 Adoption of Uniform Fire Code.](#)

[15.08.020 Establishment and duties of bureau of fire prevention.](#)

[15.08.030 Definitions.](#)

[15.08.040 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.](#)

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15.08.010 Adoption of Uniform Fire Code.

There is adopted by the city council of the city of Inkom for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the Uniform Fire Code, excluding all appendix chapters, and the Uniform Fire Code Standards published by the Western Fire Chiefs' Association and the International Conference of Building Officials, being particularly the 1982 editions thereof and the whole thereof, save and except all appendix chapters of the Uniform Fire Code and such other portions as are deleted in this chapter, modified or amended by Section 15.08.060 of this chapter of which code and standards not less than three copies have been and are now filed in the office of the clerk of the city of Inkom and the same are adopted and incorporated as fully as if set out at length in this chapter, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the city of Inkom, Bannock County, Idaho.

(Ord. 85-164 § 1)

15.08.020 Establishment and duties of bureau of fire prevention.

- A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city of Inkom, which is established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief in charge of the bureau of fire prevention shall be appointed by the city council of the city of Inkom on the basis of examination to determine his qualifications.
- C. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the city council of the city of Inkom the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(Ord. 85-164 § 2)

15.08.030 Definitions.

Whenever the term "corporation council" is used in the Uniform Fire Code, it means the attorney for the city of Inkom.

Whenever the term "jurisdiction" is used in the Uniform Fire Code, it means the city of Inkom.

(Ord. 85-164 § 3)

15.08.040 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.

The limits referred to in Section 79.501 of the Uniform Fire Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are established as follows:

Within 50 feet of a public meeting place as defined by this Code and in accordance with Section 79.503.

(Ord. 85-164 § 4)

15.08.050 Establishment of limits in which storage of liquified petroleum gases is restricted.

The limits referred to in Section 82.105(a) of the Uniform Fire Code, in which storage of liquified petroleum gas is restricted, are established as follows:

Within 100 yards of any school or church.

(Ord. 85-164 § 5)

15.08.060 Amendments made in the Uniform Fire Code.

The Uniform Fire Code is amended and changed in the following respects:

A. Section 2.101 is amended to read as follows:

Sec. 2.101. The fire chief is hereby authorized to administer and enforce this code. The fire department is hereby authorized to enforce all ordinances of the jurisdiction pertaining to:

With the remainder of the section unchanged.

B. Section 2.201(a) is amended to read as follows:

Sec. 2.201(a). The fire prevention bureau shall inspect, as often as practical, all buildings and premises, including such other hazards or appliances as the chief may designate for the purpose of ascertaining and taking steps to cause to be corrected any conditions they observe which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard duly adopted by the jurisdiction affecting fire safety.

C. Section 2.201(b) is amended to read as follows:

Sec. 2.201(b). All buildings or structures which are found to be structurally unsafe or not provided with adequate egress, or found to constitute a fire hazard, or are found to be otherwise dangerous to human life. . . .

With the remainder of the section unchanged.

D. Section 2.202(a) is amended to read as follows:

Sec. 2.202(a). The fire department shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the jurisdiction to which they make a response and which involves loss of life or injury to persons or damage to property, and if it appears to the fire department officer in charge of the investigation that the fire is of a suspicious or incendiary nature, or is a result of a violation of this or any other applicable code, they shall then take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion. The fire prevention engineer shall make a report in writing to the chief of all facts and findings relative to each investigation and, should it appear during any investigation that the fire is of a suspicious or incendiary origin, he shall notify the chief forthwith.

E. Section 2.203(a) is amended to read as follows:

Sec. 2.203(a). The fire department shall keep a record of all fires occurring within its jurisdiction of which it has a knowledge, or to which it responds, and of all facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with such other information as may be required by the chief.

Article 78 of the Uniform Fire Code is specifically deleted from this chapter.

(Ord. 85-164 § 6)

15.08.070 Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief of the fire department to the board of appeals established by Sec. 2.302 of the Uniform Fire Code, within thirty (30) days from the date of the decision appealed.

(Ord. 85-164 § 7)

15.08.080 New materials, processes or occupancies which may require permits.

The chief of the fire department and two members of the fire department, appointed as inspectors, shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord. 85-164 § 8)

15.08.090 Penalties.

- A. Any person who shall violate any other provisions of this code or standards adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for not less than ten days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the forced removal of prohibited conditions.

(Ord. 85-164 § 9; Ord. 05-223 § 4 (part))

15.08.100 Burning subject to ordinance.

This chapter shall apply to the burning of any materials within the city limits.

(Ord. 01-211 (part))

15.08.110 Definitions.

These definitions shall apply to this chapter:

- A. "Bonfire" means the open burning of cut trees, vegetation or lumber.
- B. "Burn" means all burning except a recreational fire.
- C. "Hazardous materials" means those chemicals or substances which are physical hazards or health hazards as defined and classified in Article 80 of the Uniform Fire Code whether the materials are in usable or waste condition.
- D. "Open burning" means the burning of a bonfire, rubbish fire or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue pit.
- E. "Recreational fire" means the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue pit and with a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking or similar purposes.

(Ord. 01-211 (part))

15.08.120 Prohibited materials.

- A. The burning of the following is prohibited, whether in an open burn or in an incinerator, burn barrel, stove or fireplace:
 - 1. Garbage;
 - 2. Dead animals or parts thereof;
 - 3. Junked motor vehicles or any materials resulting from a salvage operation;
 - 4. Tires or other rubber materials or products;
 - 5. Plastics;
 - 6. Asphalt or composition roofing or any other asphaltic material or products;
 - 7. Tar, tar paper, waste or heavy petroleum products, or paints;
 - 8. Lumber or timbers treated with preservatives, including railroad ties;
 - 9. Trade waste except as allowed in Idaho Department of Health and Welfare regulations Section 01.1153;
 - 10. Insulated wire;
 - 11. Pathogenic waste;
 - 12. Hazardous waste;
 - 13. Any material which, when burned, will produce an offensive smell, smoke or odor;
 - 14. Any material which, when burned, will cause or create dense smoke or odor.
- B. The granting of a permit shall not affect the foregoing. As used in this chapter, garbage shall not include waste material from the construction or demolition of buildings; provided said materials are not otherwise prohibited.

(Ord. 01-211 (part))

15.08.130 Incinerators and burn barrels.

- A. Burning without a permit is permissible in a metal fifty-five (55) gallon barrel provided the barrel is in a good state of repair and is at all times covered with a spark arrester constructed of not more than one-half ounce metal mesh material of twelve (12) gauge or thicker metal. Such burning may also be conducted in an incinerator designed and built for such purposes provided said incinerator is in a good state of repair and has an appropriate spark arrester.
- B. All burning in a burn barrel or incinerator shall be done during daylight hours; any fire still burning at sunset shall be extinguished by water, fire extinguishment materials or by other appropriate means.

(Ord. 01-211 (part))

15.08.140 Burning.

Burning of permissible materials may be done outside of a burn barrel or incinerator upon compliance with all of the following:

- A. A permit to engage in such burning, except for a recreational fire, shall be obtained from the fire chief, the chief's designee or the city clerk;
- B. All burning shall be done in compliance with Article 11 of the Uniform Fire Code;
- C. Such burning shall be done at a distance of more than fifty (50) feet from any structure or any other combustible object;
- D. Such burning shall be done at a distance of more than two hundred (200) feet from any wildlands or sage brush area;
- E. An adequate water supply or other fire extinguishing equipment, in working condition, shall be on hand and available for use at the site of the burning;
- F. A competent person over age eighteen (18) shall be in attendance at all times until all fire has burned out or has been extinguished;
- G. The permittee shall have the legal right, by ownership, lease or written permission for use, to conduct the burn on the parcel of land being utilized;
- H. The winds shall not exceed ten miles per hour at any time during the burn;
- I. No burn shall create dense smoke or odor;
- J. No burn shall be conducted when conditions, smoke, odor or heat can enter or damage neighboring structures or create a traffic hazard;
- K. No other adverse or threatening weather condition such as lightning, tornado or air inversion shall exist or be reasonably anticipated to exist during the time of the open burn;
- L. Dry or drought conditions creating dry kindling hazards shall not exist in the area immediately adjacent to and within two hundred (200) feet of the open burn site;
- M. No burning shall take place after sunset, before dawn, or between the hours of one p.m. and four p.m. local time;
- N. When open burning of fields, ditches or other such open areas are planned, the applicant or applicant's designee shall define a perimeter around the area to be burned by disking, plowing or otherwise clearing the perimeter area of combustibles to minimize the risk of fire spreading.

(Ord. 01-211 (part))

15.08.150 Permit.

- A. A permit is required in all cases except for a recreational fire or for burning inside in a fireplace, incinerator or wood stove. The fire chief, the chief's designee, or the city clerk is authorized to issue a permit for burning upon application by applicant. The purpose of the permit is to provide a record of the location of any burn and the name of the person responsible for conducting the burn. The permit and application shall be in a form furnished by the fire chief. The application and the permit shall provide the following information:
1. Location of the proposed open burn;
 2. Expected duration of the open burn;
 3. Materials to be burned;
 4. Name, address and phone number of the person applying for the permit and of the person that will be responsible for conducting the open burn, if different;
 5. Expected date of burn.
- B. The permit shall be valid for two weeks from issuance for the applicant and the site. If the identity of the responsible person or the location of the proposed open burn change, the permit shall be void. The responsible person shall in all instances advise the fire department, by phone or in person, prior to starting the burn.
- C. The permit may be revoked or suspended by the chief or the chief's designee if conditions are inappropriate for a burn. In case of revocation or suspension, the permittee shall be immediately notified of the action.
- D. This permit shall be in addition to a permit required by any other jurisdiction having control within the same area.

(Ord. 01-211 (part))

15.08.160 Responsibility and duty of person conducting burn.

It is the responsibility of the applicant for a burn and the person supervising any burn in a burn barrel, incinerator or a recreational fire, to keep the fire under control. If conditions exist immediately prior to beginning the burn that violate this chapter, the person shall not start the fire. If such conditions do not exist at the start of the burn but later develop during the burn, the person responsible for the burn has the duty to immediately bring the fire under control and extinguish the fire and further shall keep the fire extinguished until such time as conditions permit the burn to continue.

(Ord. 01-211 (part))

15.08.170 No liability to city.

The city shall have no liability for any damage caused by any fire started or controlled by a permittee or any fire which a permittee fails to extinguish.

(Ord. 01-211 (part))

15.08.180 Recreational fires.

Recreational fires shall be in accordance with this section:

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- A. Location. Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material unless contained in a barbecue pit. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
- B. Fire-Extinguishing Equipment. Buckets, shovels or garden hoses shall be readily available for use at recreational fires.
- C. Attendance. Recreational fires shall be constantly attended by a person knowledgeable in the use of fire-extinguishing equipment required by this section. An attendant shall supervise a recreational fire until such fire has been extinguished.
- D. Discontinuance. The fire chief or the chief's designee is authorized to require that recreational fires be immediately discontinued if such fires are determined by the chief or the chief's designee to constitute a hazardous condition.

(Ord. 01-211 (part))

15.08.190 Criminal penalties.

Any person violating this chapter shall be guilty of a misdemeanor. In addition to any fine levied, reimbursement for damage caused or for suppression costs may be assessed against any person found guilty of a misdemeanor.

(Ord. 01-211 (part))

15.08.200 Civil penalties.

Any person violating this chapter or who does any of the following:

- A. Burns without a permit where a permit is required;
- B. Burns nonpermitted materials;
- C. Does not maintain control of a fire for which that person is responsible; shall be liable for the costs of suppressing any resulting fire. Such costs shall include the cost of wages paid out by any fire department responding to that particular fire as well as a reasonable charge for usage of equipment, materials and supplies in suppressing said fire.

(Ord. 01-211 (part))

Chapter 15.12 FLOOD DAMAGE PREVENTION [11](#)

Sections:

Article I. - Statutory Authorization, Findings of Fact, Purpose and Objectives

Article II. - Definitions

Article III. - General Provisions

Article IV. - Administration

Article V. - Provisions for Flood Hazard Reduction

FOOTNOTE(S):

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Editor's note— Ord. 09-234, adopted 6-19-09, amended Ch. 15.12, Arts. I—V. in its entirety as set out herein. The former Ch. 15.12, Arts. I—V. pertained to similar subject matter and derived from Ord. 87-171, §§ 1.2—1.4, 2.0, 3.1—3.6, 4.1—4.4, 5.1—5.4; and Ord. 05-223, § 4 (part). ([Back](#))

Article I. Statutory Authorization, Findings of Fact, Purpose and Objectives

[15.12.010 Statutory authorization.](#)

[15.12.020 Findings of fact.](#)

[15.12.030 Statement of purpose.](#)

[15.12.040 Methods of reducing flood losses.](#)

15.12.010 Statutory authorization.

The legislature of the State of Idaho has in statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry (IC 46-1020 through IC 46-2024). Therefore, the City Council of the City of Inkom, Bannock County, Idaho, does ordain to adopt a floodplain map and floodplain ordinance that any development in a floodplain must be constructed at a flood protection elevation and/or have adequate flood proofing as follows:

(Ord. 09-234, § 1.1)

15.12.020 Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation which can 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 hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(Ord. No. 09-234, § 1.2)

15.12.030 Statement of purpose.

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

- A. To protect human life and health;
- B. To minimize expenditure of public money and 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 areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 09-234, § 1.3)

15.12.040 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 floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

(Ord. No. 09-234, § 1.4)

Article II. Definitions

[15.12.050 Definitions.](#)

15.12.050 Definitions.

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

"Accessory structures" means low-cost buildings that do not exceed five hundred (500) square feet, such as detached two-car garages, boathouses, small pole barns and storage sheds, not to be used for human habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; service utilities such as electrical and heating equipment shall be elevated or flood proofed.

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

"Area of shallow flooding" means designated as AO, or AH Zone on the Flood Insurance Rate Map (FIRM). AO Zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard flood protection elevations.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letters A or V.

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

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"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 or storage of equipment or materials.

"Elevation certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

"Elevated building" means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"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 adopted floodplain management regulations.

"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 manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

"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 (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Flood protection elevation (FPE)" means an elevation that shall correspond to the elevation of the one percent chance flood (100-year flood) plus any increased flood elevation due to floodway encroachment, plus any required freeboard.

"Floodway" means the channel of the river or stream and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

"Increased cost of compliance" means a flood insurance claim payment up to thirty thousand dollars (\$30,000.00) directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage."

"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 found at Section 15.12.180A.2., (i.e. provided there are adequate flood ventilation openings).

"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 attached to the required utilities. The term "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.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

"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 adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (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.

"Repetitive loss" means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before damage occurred.

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"Regulatory flood" means a flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years; this means that in any given year there is a one percent chance that a regulatory flood may occur or be exceeded.

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 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" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This 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 that permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 09-234, § 2)

Article III. General Provisions

[15.12.060 Lands to which this chapter applies.](#)

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15.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Inkom, Idaho.

(Ord. No. 09-234, § 3.1)

15.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Bannock County, Idaho and Incorporated Areas" dated July 7, 2009, with an accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at city hall. The best available information for flood hazard area identification as outlined in Section 15.12.150B. shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 15.12.150B.

(Ord. No. 09-234, § 3.2)

15.12.080 Penalties for noncompliance.

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. Violations of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than three hundred dollars (\$300.00) or imprisoned for not more than one hundred eighty (180) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 09-234, § 3.3)

15.12.090 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 another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 09-234, § 3.4)

15.12.100 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. 09-234, § 3.5)

15.12.110 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 city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 09-234, § 3.6)

15.12.120 Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this chapter.

(Ord. 09-234, § 3.7)

Article IV. Administration

[15.12.130 Establishment of development permit.](#)

[15.12.140 Designation of the local administrator.](#)

[15.12.150 Duties and responsibilities of the local administrator.](#)

[15.12.160 Variance procedure.](#)

15.12.130 Establishment of development permit.

- A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.12.070. The permit shall be for all structures including manufactured homes, as set forth in the "definitions," and for all development including fill and other activities, also as set forth in the "definitions."
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city 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:
 - 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.

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2. Elevation in relation to mean sea level to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 15.12.180B.; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. 09-234, § 4.1)

15.12.140 Designation of the local administrator.

The city will appoint an authorized representative to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. 09-234, § 4.2)

15.12.150 Duties and responsibilities of the local administrator.

Duties of the local administrator shall include, but not be limited to:

- A. Permit Review.
 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 2. Review proposed development to assure that necessary permits have been obtained from governmental agencies; and
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 15.12.200B. are met.
- B. Use of Other Base Flood Data (in A Zones). When flood protection elevation data has not been provided (in A zones) in accordance with Section 15.12.070, basis for establishing the areas of special flood hazard, the local administrator shall obtain, review, and reasonably utilize any flood protection elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.12.180, Specific Standards, and 15.12.200, Floodways.
- C. Information to be Obtained and Maintained.
 1. Where flood protection elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 15.12.150B., verify and record the actual (as-built) elevation (in relation to mean sea level regulatory floor level) of the lowest floor (including basement) of all new construction or substantially improved structures, and whether or not the structure contains a basement. Record on a current elevation certificate (FF 81-31) with Section B completed by the local official.
 2. For all new or substantially improved flood proofed nonresidential structures where flood protection elevation data is provided through the FIS, FIRM, or as required in Section 15.12.150B.:
 - i. Verify and record the elevation (in relation to mean sea level) to which any new or substantially improved structures have been flood proofed;
 - ii. Maintain the flood proofing certifications required in Section 15.12.130B.1. When flood proofing is utilized, certification of design criteria from a registered professional engineer or architect is required; and

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- iii. Require engineering certification (as-built information) as to the constructed flood protection elevation.
3. All records pertaining to the provisions of this chapter shall be maintained.
- D. Alteration of Watercourses.
 1. Notify adjacent communities and the Idaho Department of Water Resources Stream prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and
 2. Assure flood carrying capacity of any altered or relocated waterway is maintained.
- E. Interpretation of FIRM Boundaries. Where interpretation is needed as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

(Ord. 09-234, § 4.3)

15.12.160 Variance procedure.

- A. Appeal Board.
 1. The city council, as established by ordinance, shall hear and decide appeals and requests for variances from the requirements of this chapter.
 2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.
 3. Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the State District Court, as provided in the statutes of the State of Idaho.
 4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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- xi. 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 systems, and streets and bridges.

B. Conditions for Variances.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification required for issuing the variance increases.
2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; or
 - iii. 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.
5. Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature, and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.
6. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, except Section 15.12.160B.1., and otherwise complies with Sections 15.12.170B., C., and D. of the General Standards.
7. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the flood protection elevation and that the cost of flood insurance will be commensurate with the increased risk.

(Ord. 09-234, § 4.4)

Article V. Provisions for Flood Hazard Reduction

[15.12.170 General standards.](#)

[15.12.180 Specific standards.](#)

[15.12.190 AE and A1-30 zones with flood protection elevations but no floodways.](#)

[15.12.200 Floodways.](#)

[15.12.210 Building standards for areas of shallow flooding \(AO-zones\).](#)

[15.12.220 Critical facility.](#)

15.12.170 General standards.

In all areas of special flood hazard, the following provisions are required:

- A. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - 2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."
- B. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
- C. 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 electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding. Locating such equipment below the flood protection elevation may cause annual flood insurance premiums to be increased.
- D. Utilities.
 - 1. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - 2. Water wells shall be located on high ground that is not in the floodway;
 - 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
 - 4. Onsite waste disposal systems shall be located and constructed to avoid impairment of function, or contamination from them, during flooding.
- E. 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 or eliminate flood damage.
 - 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - 4. Where flood protection elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres (whichever is less).
- F. Review of Building Permits. Where flood protection elevations or other current engineering data are not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 15.12.150B.), the floodplain administrator shall obtain, review, and reasonably utilize scientific methods to assure that proposed construction will be reasonably safe from

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flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(Ord. 09-234, § 5.1)

15.12.180 Specific standards.

In all areas of special flood hazards where flood protection elevation data has been provided as set forth in Section 15.12.070, Basis for Establishing the Areas of Special Flood Hazard, or Section 15.12.150B., Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

1. Where flood protection data is available, any structure or manufactured home shall have the lowest floor, including basement, elevated to or above the flood protection elevation (FPE) elevation.
2. Elevated buildings with enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic flow of floodwater in both directions. Standard foundation vents as required by the IBC do not meet this standard.
 - iv. Below grade, crawlspaces are prohibited at sites where the velocity of floodwaters exceeds five feet per second.
 - v. All building utility systems within the crawlspace shall be elevated above BFE or be designed so that floodwaters cannot enter or accumulate within the system component during flood.
 - vi. The interior of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG) and the height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed four feet at any point.
 - vii. Below-grade crawlspaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below-grade crawlspaces are hereby advised that such buildings will have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade.
 - viii. Below-grade unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment, or building access.
 - ix. Otherwise, follow the guidelines of the latest version of FEMA TB 11-01 Crawlspace Construction for Buildings Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance for crawlspace construction.

- #### **B. Nonresidential Construction.**
- New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement,

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elevated to or above the flood protection elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 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 provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.12.150C.2.;
 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 15.12.180A.2;
 5. Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums significantly; and
 6. Otherwise follow the guidelines of the latest version of FEMA TB 11-01 Crawlspace Construction for Buildings Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance for crawlspace construction.
- C. Manufactured Homes. All or varied placement of manufactured homes in the floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the flood protection elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
1. Be on the site for fewer than one hundred eighty (180) consecutive days;
 2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices, and have no permanently attached additions; or
 3. Meet the requirements of 15.12.180C. and the elevation and anchoring requirements for manufactured homes.

(Ord. 09-234, § 5.2)

15.12.190 AE and A1-30 zones with flood protection elevations but no floodways.

In areas with flood protection elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. 09-234, § 5.3)

15.12.200 Floodways.

Located within areas of special flood hazard established in Section 15.12.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge; and
- B. If Section 15.12.200A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V, Provisions for Flood Hazard Reduction.

(Ord. 09-234, § 5.4)

15.12.210 Building standards for areas of shallow flooding (AO-zones).

Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground with no clearly defined channel. Such flooding is usually characterized as sheet flow. In these areas the following provisions apply:

- A. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as depth number specified in feet on the community's Flood Insurance Rate Map (FIRM), or at least two feet if no depth number is specified. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 15.12.180A.
- B. New construction or the substantial improvement of a nonresidential structure may be flood proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified flood protection elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice.
- C. Drainage paths shall be provided to guide floodwater around and away from a proposed structure.

(Ord. 09-234, § 5.5)

15.12.220 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above FPE or to the height of the (500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the flood protection elevation shall be provided to all critical facilities to the extent possible.

(Ord. 09-234, § 5.6)

Chapter 15.16 RADIO AND TELEVISION INTERFERENCE

Sections:

[15.16.010 Radio and television interference prohibited.](#)

[15.16.020 Inspection.](#)

15.16.010 Radio and television interference prohibited.

It is unlawful for any person, firm or corporation, knowingly to operate, cause to be operated, or permit the operation of any wire or wires for carrying electric energy or any fixtures, machine, device, apparatus, or other instrument, the operation of which shall cause reasonably preventable electrical interference with radio or television reception.

(Prior code § 5-1301)

15.16.020 Inspection.

The city police officer or his authorized agent shall have the right at any reasonable hour to enter upon and into any premises for the purpose of inspecting or locating any wires, fixtures, machines, devices, apparatus, or other instruments which are or may be kept or operated in violation of the provisions of this chapter. Should any inspection disclose that any equipment described in this chapter is defective, the inspector shall notify in writing the owner or occupant of said premises, or the operator of said equipment, of the defects and then suggest the steps to be taken to remedy such defects. Upon receipt of such written notice, such owner, occupant or operator shall forthwith take effective steps to remedy such defects.

(Prior code § 5-1302)

Chapter 15.20 SIGNS AND AWNINGS

Sections:

[15.20.010 Manner of construction.](#)

[15.20.020 Awnings—Erection of.](#)

[15.20.030 Banners on awnings.](#)

15.20.010 Manner of construction.

- A. Signs erected over the sidewalk shall be constructed entirely of metal not lighter than N 28 U.S. Gauge, or other equally substantial material. Frames shall be constructed of angles or other rolled still shapes not thinner than N 20 U.S. Gauge steel. The lower edge of any such sign shall not be less than eight feet from the sidewalk and such sign shall not extend horizontally to within one foot of sidewalk width.

- B. All signs shall be supported from the buildings in front of which they are placed with proper metal supports securely bolted or fastened to masonry walls. All signs extending over the sidewalk shall be laterally secured with guy wires which are made adjustable by means of turnbuckles. Where buildings set back of the property line, signs may be mounted on a single steel pole that is securely anchored in concrete.
- C. The framework of all boards of signs placed upon the roof of any building or structure shall be of iron or steel and shall be so constructed and fastened to the roof as to be capable of withstanding a wind pressure of not less than twenty (20) pounds per square feet of surface area. The board or sign shall be set back from the fire wall of the building or structure a distance of at least three feet so as to leave a clear passageway around and in front of the same. The bottom line of the surface of the board or sign shall be at least four feet in the clear above the roof of the building so as to leave a clear passageway under the same.

(Prior code § 9-301)

15.20.020 Awnings—Erection of.

It is unlawful for any person or persons, firm or corporation to erect, construct or maintain within the city any awning or covering over any sidewalk except folding awnings and those that are raised by means of rollers, constructed of cloth or canvas, placed upon substantial iron or wood frames and securely fastened to the building. The lower edge of the frame of any such awning to be not less than seven feet from the sidewalk, and the lower edge of the cloth or canvas skirt of such awning to be not less than six and one-half feet from the sidewalk.

(Prior code § 9-302)

15.20.030 Banners on awnings.

It is unlawful for any person or persons, firm or corporation to place any banner of any kind whatsoever upon any awning over any sidewalk in the city, the lower edge of which banner extends below the lower edge of the awning on which it is hung.

(Prior code § 9-303)

Chapter 15.24 TELEVISION RECEIVING ANTENNAS

Sections:

[15.24.010 Definitions.](#)

[15.24.020 Permit.](#)

[15.24.030 Inspection fee.](#)

[15.24.040 Application.](#)

[15.24.050 Inspection.](#)

[15.24.060 Notice and completion.](#)

[15.24.070 Regulations.](#)

[15.24.080 Minor repairs without permit.](#)

[15.24.090 Application to existing antennas.](#)

[15.24.100 Crossing under television wire.](#)

15.24.010 Definitions.

As used in this chapter:

"Antenna" means the outdoor portion of the receiving equipment for receiving television waves from space.

"Height" means the overall vertical length of the antenna system above the ground, or if such system is located on a building, then above that part of the level of such building upon which the system rests.

"Inspector" means the police officer or other person authorized by the council of the city of Inkom.

"Mast" means that portion of the antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation, and also means and includes any and all poles upon which television wires may be attached.

"Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.

(Prior code § 5-1201)

15.24.020 Permit.

It is unlawful for any person to install, repair or maintain, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any outside television receiving antenna or television poles or lines upon which the wires are strung to carry the television impulse from one point to another within the city, unless and until a permit shall first have been obtained from the city clerk.

(Prior code § 5-1202)

15.24.030 Inspection fee.

Except to the extent, if any, that the method for setting fees is governed by State Statute in a manner contrary to the ordinance codified in this section, the city council of the city of Inkom may from time to time fix such rates and conditions for users, and may amend from time to time such fees as required by resolution of the city council.

All fees currently established by resolution of city council may be fixed or may be changed from time to time without repeal of the previous resolutions.

A fee schedule of current fees and rates shall be maintained by the city clerk and made available for inspection at the Inkom city office.

(Prior code § 5-1203; Ord. 08-231)

15.24.040 Application.

Application for a permit shall be made to the city clerk and shall contain the following information:

- A. Name and address of the owner for whom to be made;

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- B. Whether it is a new installation, repair or maintenance work;
- C. Description of the installation planned to be made;
- D. Name of the person doing the actual work on the installation;
- E. Such other information as may be required to show full compliance with this chapter.

(Prior code § 5-1204)

15.24.050 Inspection.

It shall be the duty of the city police officer or his authorized representatives to inspect all television receiving antennas and television lines and poles to ascertain if the work has been done properly and it is unlawful for any person to hinder or interfere with the city police officer or his authorized representatives in the discharge of their duties under the provisions of this chapter.

(Prior code § 5-1205)

15.24.060 Notice and completion.

The person to whom a permit has been issued shall notify the city police officer within one week of the time that the work has been completed and is ready for final inspection, and upon receipt of such notice. Inspection shall promptly be made of the installation, and if the work complies in all respects with the provisions of this chapter, the same shall be approved, and if it fails to comply, it shall be disapproved and a specified time must be given in which to correct the defects after which a reinspection will be made.

(Prior code § 5-1206)

15.24.070 Regulations.

All television receiving antenna installations and all transmission lines shall be made in accordance with the following rules and regulations:

- A. Masts and antennas shall be of noncombustible and corrosive resistant material, except that wooden poles of the type used by utility companies for erection of transmission lines may be used when properly imbedded in the ground.
- B. Every mast and antenna installed on a roof shall be mounted on its own platform or plate designed to properly support the antenna in question, and shall be securely anchored with guy wires.
- C. Outdoor antennas and masts shall be of an approved type, and the mast shall not exceed the maximum height of thirty (30) feet above a roof support or seventy (70) feet above a ground support. In areas where reception is affected by obstructions, special permission may be granted by the mayor and council to exceed the above specified height limitations.
- D. In the event a person deems it necessary to exceed the heights specified in this section, written application may be made to the mayor and council for authorization to erect such structure and the application will be considered on its own merits.
- E. Every antenna must be adequately grounded for protection against a direct stroke of lightning, with an adequate ground wire.
- F. In no case shall an antenna be installed nearer to the street or sidewalk than the height of the antenna plus ten feet unless approved by the mayor and council, and no wires, cables or guy wires shall cross or extend over any part of any street or sidewalk.

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- G. Whenever it is necessary to install antenna near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the mast and secured in a direction away from the hazard.
- H. Anchor points for antennas, masts and guy wires in excess of thirty (30) feet must be expansion shields drilled into solid block, concrete or other noncombustible construction.
- I. Transmission lines must be kept at least six inches clear of telephone or light wires.
- J. Rawl plugs are approved only for supporting transmission lines.
- K. Where television receiving antennas are installed on a private residence the antenna may be installed on the roof of a frame structure, provided the support and anchor screws are securely fastened to rafters or beams or other substantial members, and provided further that no antenna installed on a roof of a frame construction or in any way supported by material of combustible construction shall exceed a height of thirty (30) feet above the roof of the building.
- L. Lighting arrestors shall be approved as safe by the Underwriters' Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line, except when a folded dipole or other type of antenna is used which is already grounded to the mast.
- M. When multiple-conductor lead-ins are used, lighting arrestors must be installed in each conductor.
- N. When coaxial cable or shielded twin lead is used for lead-in, suitable protections may be provided without lighting arrestors by grounding the exterior metal sheath.
- O. Antennas shall be designed and installed to withstand a wind pressure of twenty-five (25) pounds per square foot and in no case shall guy wires be less than 3/32 " four-strand cable or equivalent, galvanized. Rawl plugs shall not be used for guy wires or for mounting brackets.
- P. Ground wires shall be of the type approved by the 1951 issue of the National Electrical Code for grounding mass and lighting arrestors.
- Q. The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or sheradizing process after forming. These finishes are selected to guard against corrosion due to stack gases and other deposits and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.
- R. Turnbuckles shall be protected against turning by threading the guy wires through the turnbuckle.
- S. In no case shall any antenna or guy wire be mounted or attached to a chimney, flue or vent.
- T. All lines or poles used for wires to transmit television impulses shall be located in the alleys of the city as far as possible and where it is necessary to cross the street, the clearance from the surface of the street to such overhead wire shall be at least eighteen (18) feet.

(Prior code § 5-1207)

15.24.080 Minor repairs without permit.

Notwithstanding anything to the contrary in this chapter, minor repairs to antennas may be made without the necessity of a permit, provided, however, that a prompt report thereof is made to the city police officer showing the extent thereof. Should an investigation of the minor repairs by the city police officer disclose defects, the same shall be pointed out and corrected as required by this chapter.

(Prior code § 5-1208)

15.24.090 Application to existing antennas.

Every television antenna erected prior to the effective date of this chapter may be maintained and operated in its present location, unless the antenna is so constructed and maintained as to be unsafe and dangerous as determined by the city police officer.

(Prior code § 5-1209)

15.24.100 Crossing under television wire.

Any person desiring to move any building or other large structure underneath a television wire on the streets or alleys of the city must first secure a permit from the mayor and the council of the city, and if it becomes necessary to raise the wires to allow this structure to be moved underneath, such work must be done by a competent person authorized by the mayor and the council of the city, and all expenses of raising such wires shall be borne by the person moving such structure.

(Prior code § 5-1210)

Chapter 15.28 TRAILERS

Sections:

[15.28.010 Trailer homes restricted to trailer parks.](#)

[15.28.020 Definition.](#)

[15.28.030 Violation—Penalty.](#)

15.28.010 Trailer homes restricted to trailer parks.

All trailer homes or trailer coaches coming into the city and being parked anywhere within the city, with the intention of making a permanent residence, or being so parked for over thirty (30) days shall obtain space in an approved and licensed trailer park.

(Ord. 68-90 § 1)

15.28.020 Definition.

"Trailer home" or "trailer coach" means any mobilehome used or intended to be used as a home or residence for one or more persons.

(Ord. 68-90 § 2)

15.28.030 Violation—Penalty.

Any violation of this chapter shall be considered a continuing misdemeanor and subject to fine not exceeding the sum of one thousand dollars (\$1,000.00) for each violation.

(Ord. 68-90 § 3; Ord. 05-223 § 4 (part))