

# CITY OF DOVER

## ORDINANCE 83

### **AN ORDINANCE OF THE CITY OF DOVER, IDAHO, REPEALING ORDINANCE 14, PROVIDING FOR DEFINITIONS; PROVIDING FOR FLOODPLAIN SERVICE RESTRICTIONS; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, IDAHO, AS FOLLOWS, TO WIT:

SECTION 1: REPEALING OF ORDINANCE 14: Ordinance 14 of the City of Dover is hereby repealed in its entirety.

SECTION 2: DEFINITIONS. The following words and phrases used in this ordinance shall be given the following interpretations. All other words and phrases used in this Ordinance, the definition of which is not given, shall be given an ordinary and commonly understood and accepted meaning.

(a) 100 YEAR FLOODPLAIN: The term 100 year floodplain shall be defined as all lands within the City at or below the elevation designated as the 100 year flood elevation by the Federal Emergency Management Agency (FEMA), using feet above the National Geodetic Vertical Datum.

(b) WATER SERVICE: Water service shall mean those persons, entities, or properties within the corporate limits of the City of Dover which receive water from the municipal water system.

### SECTION 3: FLOODPLAIN RESTRICTIONS

(a) Wherever there is a practicable alternative the City shall avoid to the extent possible, providing water service to any person, entity or structure lying within the 100 year floodplain. Practicable alternatives shall include but not be limited to consideration of private property rights. This provision applies to any structure for which construction was initiated or substantially altered after the date of passage of this ordinance.

(b) Wherever the City finds there is no practicable alternative to providing water service as set forth above, any structure shall be constructed to address the following three (3) areas of concern:

- (1) Minimize the loss of life due to flooding.
- (2) Minimize the loss of property due to flooding
- (3) Restore/preserve the natural values and functions of floodplains and wetlands.

(c) The City may require that any portion of a structure or dwelling used for human occupancy be constructed at or above the 100 year floodplain elevation to fully and adequately address the three (3) areas of concern set forth above.

**SECTION 4: PUBLICATION AND EFFECTIVE DATE**

The Ordinance shall take effect and be in full force upon its passage, approval, and publication in full in one (1) issue of the Bonner County Daily Bee, the official newspaper of the City of Dover.

THIS ORDINANCE PASSED AND APPROVED under suspension of the rule and duly enacted as an Ordinance of the City of Dover, Idaho, at a regular meeting of the City Council on the 12th day of January, 2006 upon the following roll call vote:

City Council:	Aye	Nay
Margaret Becker	<u>X</u>	_____
Marguerite Burge	<u>X</u>	_____
James Janish	<u>X</u>	_____
Louis Collins	<u>X</u>	_____
Mayor Curless	_____	_____

  
 PAUL "RANDY" CURLESS, Mayor

Attest:

  
 RUTH GUTHRIE, CLERK