

Chapter 3
GENERAL PROVISIONS

SECTION:

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12-3-1: Lands to Which This Ordinance Applies

This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Cassia County, Idaho. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

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

The Special Flood Hazard Areas identified by the Federal Insurance Administrator in a scientific and engineering report titled "Flood Insurance Study (FIS) for CASSIA COUNTY, IDAHO UNINCORPORATED AREAS", dated February 15, 1983, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the Cassia County Building Department, Courthouse Room #210, 1459 Overland Avenue, Burley, Idaho.

12-3-3: Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Chapter 4, Section 12-4-2.

12-3-4: Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

12-3-5: Abrogation and Greater Restrictions

This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

12-3-6: Interpretation

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

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

12-3-7: Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Cassia County, Idaho or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

12-3-8: Penalties for Violation

No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, 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 One Thousand Dollars (\$1,000.00), or be imprisoned for not more than 180 days, or by both such fine and imprisonment. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Cassia County, Idaho from taking such other lawful actions as is necessary to prevent or remedy any violation.