

Page Number	Section	Title	Legal Authority	Legal Text
1	101	Findings of Fact	42 USC 4001(e)	(e) Land use adjustments by State and local governments; development of proposed future construction; assistance of lending and credit institutions; relation of Federal assistance to all flood-related programs; continuing studies. It is the further purpose of this chapter to (1) encourage State and local governments to make appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses, (2) guide the development of proposed future construction, where practicable, away from locations which are threatened by flood hazards, (3) encourage lending and credit institutions, as a matter of national policy, to assist in furthering the objectives of the flood insurance program, (4) assure that any Federal assistance provided under the program will be related closely to all flood-related programs and activities of the Federal Government, and (5) authorize continuing studies of flood hazards in order to provide for a constant reappraisal of the flood insurance program and its effect on land use requirements.
1	101	Findings of Fact	42 USC 4001(a)	(a) Necessity and reasons for flood insurance program The Congress finds that (1) from time to time flood disasters have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources; (2) despite the installation of preventive and protective works and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to protect adequately against growing exposure to future flood losses; (3) as a matter of national policy, a reasonable method of sharing the risk of flood losses is through a program of flood insurance which can complement and encourage preventive and protective measures; and (4) if such a program is initiated and carried out gradually, it can be expanded as knowledge is gained and experience is appraised, thus eventually making flood insurance coverage available on reasonable terms and conditions to persons who have need for such protection.
1	101	Findings of Fact	ARS §48-3609B	B. Except as provided in section 48-3610, the board shall adopt and enforce regulations governing floodplains and floodplain management in its area of jurisdiction which shall include the following: 1. Regulations for all development of land, construction of residential, commercial or industrial structures or uses of any kind which may divert, retard or obstruct floodwater and threaten public health or safety or the general welfare. 2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any. 3. Regulations which provide for coordination by the district with all other interested and affected political subdivisions and state agencies. 4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood. 5. Regulations to allow a mobile home located in a floodplain on August 3, 1984 to be replaced by another mobile home if: (a) The mobile home to be replaced was not damaged by a flood to more than fifty per cent of its value before the flood. (b) The replacement mobile home is elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation. 6. Regulations that require all new placement of mobile homes to be anchored to prevent flotation, collapse or movement. 7. Variance procedures to permit variances from the regulations that do not result in danger or damage to persons or property in floodplains in the area of jurisdiction. Variances may be granted only if special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain. A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the floodplain.
1	101	Findings of Fact	ARS §48-3615	Violation; classification; civil penalties; strict liability A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613. B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor. C. A person who violates this chapter or rules adopted pursuant to this chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor. Each day the violation continues constitutes a separate violation. D. A person who without written authorization from the board of directors damages or interferes with a facility that is owned, operated or otherwise under the jurisdiction of the district is strictly liable for both of the following: 1. Any actual damages to persons or property that is caused by the damage or interference. 2. Payment of costs to the district for remediating the damage or interference.

Page Number	Section	Title	Legal Authority	Legal Text
1	101	Findings of Fact	ARS §48-3615.01	<p>Notice of violation; hearing; final decision; civil penalty; injunctive relief A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated. B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer. 2. Deny the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter. C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action. D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances. E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation. F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty.</p> <p>G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order. H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time. I. The chief engineer may designate another person to carry out the chief engineer's powers and duties prescribed by this section and that designee is authorized to take all actions prescribed by this section in place of the chief engineer.</p>
1	102	Statutory Authority	33 USC 701b-13(a)	<p>(a) Authority. Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.</p>

Page Number	Section	Title	Legal Authority	Legal Text
1	102	Statutory Authority	44 CFR 60.25	<p>§ 60.25 Designation, duties, and responsibilities of State Coordinating Agencies. (a) States are encouraged to demonstrate a commitment to the minimum flood plain management criteria set forth in §§60.3, 60.4, and 60.5 as evidenced by the designation of an agency of State government to be responsible for coordinating the Program aspects of flood plain management in the State. (b) State participation in furthering the objectives of this part shall include maintaining capability to perform the appropriate duties and responsibilities as follows: (1) Enact, whenever necessary, legislation enabling counties and municipalities to regulate development within flood-prone areas; (2) Encourage and assist communities in qualifying for participation in the Program; (3) Guide and assist county and municipal public bodies and agencies in developing, implementing, and maintaining local flood plain management regulations; (4) Provide local governments and the general public with Program information on the coordination of local activities with Federal and State requirements for managing flood-prone areas; (5) Assist communities in disseminating information on minimum elevation requirements for development within flood-prone areas; (6) Assist in the delineation of riverine and coastal flood-prone areas, whenever possible, and provide all relevant technical information to the Federal Insurance Administrator; (7) Recommend priorities for Federal flood plain management activities in relation to the needs of county and municipal localities within the State; (8) Provide notification to the Federal Insurance Administrator in the event of apparent irreconcilable differences between a community's local flood plain management program and the minimum requirements of the Program; (9) Establish minimum State flood plain management regulatory standards consistent with those established in this part and in conformance with other Federal and State environmental and water pollution standards for the prevention of pollution during periods of flooding; (10) Assure coordination and consistency of flood plain management activities with other State, areawide, and local planning and enforcement agencies; (11) Assist in the identification and implementation of flood hazard mitigation recommendations which are consistent with the minimum flood plain management criteria for the Program; (12) Participate in flood plain management training opportunities and other flood hazard preparedness programs whenever practicable. (c) Other duties and responsibilities, which may be deemed appropriate by the State and which are to be officially designated as being conducted in the capacity of the State Coordinating Agency for the Program, may be carried out with prior notification of the Federal Insurance Administrator. (d) For States which have demonstrated a commitment to and experience in application of the minimum flood plain management criteria set forth in §§60.3, 60.4, and 60.5 as evidenced by the establishment and implementation of programs which substantially encompass the activities described in paragraphs (a), (b), and (c) of this section, the Federal Insurance Administrator shall take the foregoing into account when: (1) Considering State recommendations prior to implementing Program activities affecting State communities; (2) Considering State approval or certifications of local flood plain management regulations as meeting the requirements of this part. [51 FR 30309, Aug. 25, 1986]</p>
1	102	Statutory Authority	ARS §48 Chapter21	*All text under Title 48 Chapter 21 Flood Control Districts
2	103	Statement of Purpose	42 USC 4012(c)	(c) Availability of insurance in States or areas evidencing positive interest in securing insurance and assuring adoption of adequate land use and control measures The Director shall make flood insurance available in only those States or areas (or subdivisions thereof) which he has determined have--(1) evidenced a positive interest in securing flood insurance coverage under the flood insurance program, and(2) given satisfactory assurance that by December 31, 1971, adequate land use and control measures will have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under section 4102 of this title, and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available.
2	103	Statement of Purpose	42 USC 4022(a)(1)	(a) Requirement for participation in flood insurance program (1) In general After December 31, 1971, no new flood insurance coverage shall be provided under this chapter in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate land use and control measures (with effective enforcement provisions) which the Director finds are consistent with the comprehensive criteria for land management and use under section 4102 of this title.
2	103	Statement of Purpose	44 CFR Ch.1.	*All text under Title 44 Chapter 1 of CFR
2	103	Statement of Purpose	ARS §48-3609	*Floodplain delineation; regulation of use; federal requirements and definitions

Page Number	Section	Title	Legal Authority	Legal Text
2	103	Statement of Purpose: Intent	42 USC 4001	Sec. 4001. Congressional findings and declaration of purpose (a) Necessity and reasons for flood insurance program The Congress finds that (1) from time to time flood disasters have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources; (2) despite the installation of preventive and protective works and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to protect adequately against growing exposure to future flood losses; (3) as a matter of national policy, a reasonable method of sharing the risk of flood losses is through a program of flood insurance which can complement and encourage preventive and protective measures; and (4) if such a program is initiated and carried out gradually, it can be expanded as knowledge is gained and experience is appraised, thus eventually making flood insurance coverage available on reasonable terms and conditions to persons who have need for such protection. (b) Participation of Federal Government in flood insurance program carried out by private insurance industry The Congress also finds that (1) many factors have made it uneconomic for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions; but (2) a program of flood insurance with large- scale participation of the Federal Government and carried out to the maximum extent practicable by the private insurance industry is feasible and can be initiated. (c) Unified national program for flood plain management The Congress further finds that (1) a program of flood insurance can promote the public interest by providing appropriate protection against the perils of flood losses and encouraging sound land use by minimizing exposure of property to flood losses; and (2) the objectives of a flood insurance program should be integrally related to a unified national program for flood plain management and, to this end, it is the sense of Congress that within two years following the effective date of this chapter the President should transmit to the Congress for its consideration any further proposals necessary for such a unified program, including proposals for the allocation of costs among beneficiaries of flood protection. (d) Authorization of flood insurance program; flexibility in program It is therefore the purpose of this chapter to (1) authorize a flood insurance program by means of which flood insurance, over a period of time, can be made available on a nationwide basis through the cooperative efforts of the Federal Government and the private insurance industry, and (2) provide flexibility in the program so that such flood insurance may be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by flood insurance and the general public. (e) Land use adjustments by State and local governments; development of proposed future construction; assistance of lending and credit institutions; relation of Federal assistance to all flood- related programs; continuing studies It is the further purpose of this chapter to (1) encourage State and local governments to make appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses, (2) guide the development of proposed future construction, where practicable, away from locations which are threatened by flood hazards, (3) encourage lending and credit institutions, as a matter of national policy, to [[Page 700]] assist in furthering the objectives of the flood insurance program,
2	103	Statement of Purpose: Intent	ARS §48-3603	(4) assure that any Federal assistance provided under the program will be related closely to all flood-related programs and activities of the Federal Government, and (5) *Powers, duties and immunities of district and board; exemptions
2	103	Statement of Purpose: Intent (12)	ARS §48-3603C(20)b	(b) Preservation and restoration of the floodplain.
2	103	Statement of Purpose: Intent (13)	44 CFR 60.2 (a)	§ 60.2 Minimum compliance with flood plain management criteria.(a) A flood-prone community applying for flood insurance eligibility shall meet the standards of §60.3(a) in order to become eligible if a FHBM has not been issued for the community at the time of application. Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in §60.3 (b), (c), (d), (e) or (f), in which to meet the requirements of the applicable paragraph. If a community has received a FHBM, but has not yet applied for Program eligibility, the community shall apply for eligibility directly under the standards set forth in §60.3(b). Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in §60.3 (c), (d), (e) or (f) in which to meet the requirements of the applicable paragraph.
2	103	Statement of Purpose: Intent (13)	ARS §48-3609L	L. The floodplain regulations adopted by a district pursuant to this chapter are intended to carry out the requirements of the national flood insurance program and any term not otherwise defined in this chapter shall have the meaning set forth in 44 Code of Federal Regulations parts 59 through 78, as effective on January 1, 2005.
2	103	Statement of Purpose: Intent (7)	ARS §48-3603C(20)a	(a) Assistance for property owners within the floodplain and through the elevation, bank stabilization and flood proofing of existing structures.
2	103	Statement of Purpose: Intent (9)	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
2	103	Statement of Purpose: Intent (9)	ARS §48-3613A	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.
2	105	Applicability	ARS §48-3603B	B. The board of directors shall exercise all powers and duties in the acquisition and operation of the properties of the district and in carrying out its regulatory functions under this article as are ordinarily exercised by the governing body of a municipal corporation.
2	105	Applicability	ARS §48-3610	*Assumption of powers and duties by cities and towns; resolution; definitions

Page Number	Section	Title	Legal Authority	Legal Text
3	106	Rules	ARS §48-3613B	B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.
3	106	Rules	ARS §48-3613C	C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment.
3	107	Construction and Interpretation	ARS §48-3603	*Powers, duties and immunities of district and board; exemptions
3	107	Construction and Interpretation	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
4	108	Warning and Disclaimer of Liability	ARS §48-3603C(4)	4. Enter into contracts of indemnity to indemnify this state, the United States or any other flood control district, municipality, political subdivision, governmental agency, irrigation or agricultural improvement district, association, corporation or individual against liability by virtue of injuries, losses or damages occurring through the use of their facilities, structures, streets, rights-of-way or properties in connection with the operation of a flood control district and the regulation of floodplains.
4	108	Warning and Disclaimer of Liability P2	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
5	201	Designation of the	ARS §48-3603C(14)	14. Appoint a chief engineer and general manager, who may be the county engineer.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)	ARS §48-3609B	B. Except as provided in section 48-3610, the board shall adopt and enforce regulations governing floodplains and floodplain management in its area of jurisdiction which shall include the following:
5	201	Duties and Responsibilities of the Floodplain Administrator (B)	ARS §48-3609G	G. Before adopting regulations the board may issue a special permit authorizing construction or development if the board finds that construction or development is not a danger to persons or property.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)	ARS §48-3609L	L. The floodplain regulations adopted by a district pursuant to this chapter are intended to carry out the requirements of the national flood insurance program and any term not otherwise defined in this chapter shall have the meaning set forth in 44 Code of Federal Regulations parts 59 through 78, as effective on January 1, 2005.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)1	44 CFR 60.3 (a)(3)	(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) 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.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)1b	ARS §48-3609B(3)	3. Regulations which provide for coordination by the district with all other interested and affected political subdivisions and state agencies.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)1d	ARS §48-3601 (11)	11. "Regulatory flood elevation" means the elevation which is one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be as determined by the criteria developed by the director of water resources for all other watercourses.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)1d	No-rise Policy	
5	201	Duties and Responsibilities of the Floodplain Administrator (B)2	44 CFR 60.3 (c)(2)	(2) Require that all new construction and substantial improvements of residential structures within Zones A1–30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);
5	201	Duties and Responsibilities of the Floodplain Administrator (B)3	44 CFR 60.3	§ 60.3 Flood plain management criteria for flood-prone areas. The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

Page Number	Section	Title	Legal Authority	Legal Text
5	201	Duties and Responsibilities of the Floodplain Administrator (B)3	44 CFR 60.3 (c)(3)	(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1–30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
5	201	Duties and Responsibilities of the Floodplain Administrator (B)3	ARS §48-3609A	A. Except as provided in section 48-3610, the board within its area of jurisdiction shall delineate or may by rule require developers of land to delineate for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the director of water resources.
5	201	Duties and Responsibilities of the Floodplain Administrator (B)4	ARS §48-3603G	G. The board shall keep a proper written record of all of its proceedings, which shall be open to public inspection.
6	201	Duties and Responsibilities of the Floodplain Administrator (B)5	ARS §48-3613A	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.
6	201	Duties and Responsibilities of the Floodplain Administrator (B)5b2	ARS §48-3609I	I. Within one hundred twenty days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the director of water resources.
6	201	Duties and Responsibilities of the Floodplain Administrator (B)5c	44 CFR 59.22 (a)(9)(v)	(v) Upon occurrence, notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.
6	201	Duties and Responsibilities of the Floodplain Administrator (B)6	ARS §48-3604E	E. A party aggrieved by action of the board in establishing a zone may bring an action in the superior court in the county in which the area of jurisdiction is located to set aside the action of the board. The action shall be heard in a trial de novo. The action must be instituted not more than thirty-five days after the last publication or date of posting, whichever is later, of the copy of the resolution establishing the zone.
6	201	Duties and Responsibilities of the Floodplain Administrator (B)6	ARS §48-3612B	B. Appeals to the review board may be taken by any person who feels that there is error or doubt in the interpretation of the regulation or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal.
7	201	Duties and Responsibilities of the Floodplain Administrator (B)7	ARS §48-3615	Violation; classification; civil penalties; strict liability A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613. B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor. C. A person who violates this chapter or rules adopted pursuant to this chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor. Each day the violation continues constitutes a separate violation. D. A person who without written authorization from the board of directors damages or interferes with a facility that is owned, operated or otherwise under the jurisdiction of the district is strictly liable for both of the following: 1. Any actual damages to persons or property that is caused by the damage or interference. 2. Payment of costs to the district for remediating the damage or interference.

Page Number	Section	Title	Legal Authority	Legal Text
7	201	Duties and Responsibilities of the Floodplain Administrator (B)8	ARS §48-3603C	<p>C. A district organized under this article, acting through its board of directors, may: 1. Acquire by eminent domain, purchase, donation, dedication, exchange or other lawful means rights-of-way for and construct, operate and maintain flood control works and storm drainage facilities within or without the district for the benefit of the district. 2. Acquire by eminent domain, purchase, donation, dedication, exchange or other lawful means and dispose of by sale, exchange or other lawful means real and personal property within the boundaries of the district. 3. Contract and join with this state, the United States or any other flood control district or floodplain board, municipality, political subdivision, governmental agency, irrigation or agricultural improvement district, association, corporation or individual in acquiring, constructing, maintaining and operating flood control works, and regulating floodplains. 4. Enter into contracts of indemnity to indemnify this state, the United States or any other flood control district, municipality, political subdivision, governmental agency, irrigation or agricultural improvement district, association, corporation or individual against liability by virtue of injuries, losses or damages occurring through the use of their facilities, structures, streets, rights-of-way or properties in connection with the operation of a flood control district and the regulation of floodplains. 5. Acquire and maintain existing flood control and drainage facilities within the district for the benefit of the district if mutually agreeable to the owners of such facilities. 6. Acquire, convert and maintain surplus irrigation facilities as storm drainage facilities if mutually agreeable to owners of such facilities. 7. Construct, maintain and operate flood control and storm drainage facilities and regulate floodplains in the district by agreement with this state, counties, other municipal corporations, political subdivisions and other persons and reimburse such agencies or persons for the cost of the work. 8. On the dissolution of any other flood control district, assume the assets and obligations of the other district. 9. Enter into intergovernmental agreements with other public agencies pursuant to title 11, chapter 7, article 3 to carry out the objects and purposes of the district. 10. Apply for, obtain, expend and repay flood control loans pursuant to title 45, chapter 8, article 5. 11. Apply to the director of water resources for alternative flood control assistance for flood control projects pursuant to section 45-1471, except that the director shall not grant any such assistance for any project unless the director has approved the project in advance of planning. 12. Sue and be sued, enter into contracts and generally do all things which may be necessary to construct, acquire and maintain facilities, operate the district and perform its regulatory functions and which are in the interests of the district. 13. Adopt such rules and bylaws for its orderly operation as it sees fit. 14. Appoint a chief engineer and general manager, who may be the county engineer. 15. Appoint a treasurer, who may be the county treasurer, an attorney, who may be the county attorney, and other employees it considers desirable and necessary to carry out the purposes of the district. Any other work required by the district may be performed by regular employees of the county on assignment by the board of supervisors, except that regular county employees shall not undertake construction projects with an estimated cost of five thousand dollars or more.</p> <p>16. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 and if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of this article and the regulations will be preserved. 17. Construct, operate and maintain artificial groundwater recharge facilities, and, if organized in a county having a population of more than five hundred thousand persons according to the most recent United States decennial census, underground storage and recovery facilities, if they have flood control benefits, and contract and join with the United States, this state and other governmental units for the purpose of constructing, operating and maintaining multipurpose groundwater recharge, underground storage and recovery and flood control facilities, except that a district shall not expend district funds for any underground storage and recovery facility that does not have flood control benefits. 18. Acquire real property by purchase, donation, dedication, exchange or other lawful means, except by eminent domain, in areas suitable for groundwater recharge projects. 19. Cooperate and join with other entities that engage in underground water storage and recovery projects under title 45, chapter 3, including multi-county water conservation districts and other political subdivisions. 20. Either alone, or by entering into any combination of contracts with this state, the United States, any other flood control district, a floodplain board, a municipality or other political subdivision, a government agency, an irrigation or agricultural improvement district or an association, corporation or individual, implement flood control enhancement solutions including: (a) Assistance for property owners within the floodplain and through the elevation, bank stabilization and flood proofing of existing structures. (b) Preservation and restoration of the floodplain. (c) Maintenance of flood warning systems and associated flood response plans. 21. If a part of a parcel of land is to be taken for drainage, basins, impoundments or any other flood control related use and the board and the affected property owner determine that the remainder will be left in such a condition as to give rise to a claim or litigation concerning severance or other damage, acquire the whole parcel by purchase, donation, dedication, exchange, condemnation or other lawful means, and the remainder may be sold or exchanged for other properties needed for flood control use. 22. Adopt and enforce civil penalties for violations of its regulations or ordinances and for unauthorized damage and interference to those district facilities that are authorized pursuant to this chapter. 23. Pursuant to the authority prescribed in this chapter, appoint hearing officers to hear and determine actions. 24. For any district that intends to take enforcement action pursuant to section 48-3615.01, adopt written rules of procedure for the hearing and review of decisions on actions prescribed by this chapter. 25. Establish a board of hearing review to review decisions of hearing officers that are issued pursuant to section 48-3615.01. The board of hearing review shall consist of one member from each board of directors' district or the board of directors may authorize the citizens' flood control advisory board or the board of review to designate a like number of its members to serve as the board of hearing review. 26. Authorize the chief engineer of the district to apply for and obtain administrative search warrants for entry and inspection from a local court of general jurisdiction to determine if violations of section 48-3609, 48-3613, 48-3614 or 48-3615 have occurred. The warrants shall be served by a peace officer as defined in section 1-215. A report of any inspections made pursuant to this section shall be prepared and made available in the records of the district and a copy mailed or otherwise delivered to the owner within fifteen days after the inspection of the owner's premises.</p>

Page Number	Section	Title	Legal Authority	Legal Text
7	202	Duties of Communities Dependent on District	44 CFR 66.1	§ 66.1 Purpose of part (a) The purpose of this part is to comply with section 206 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4107) by establishing procedures for flood elevation determinations of Zones A1-30, AE, AH, AO and V1-30, and VE within the community so that adequate consultation with the community officials shall be assured. (b) The procedures in this part shall apply when base flood elevations are to be determined or modified. (c) The Federal Insurance Administrator or his delegate shall: (1) Specifically request that the community submit pertinent data concerning flood hazards, flooding experience, plans to avoid potential hazards, estimate of historical and prospective economic impact on the community, and such other appropriate data (particularly if such data will necessitate a modification of a base flood elevation). (2) Notify local officials of the progress of surveys, studies, investigations, and of prospective findings, along with data and methods employed in reaching such conclusions; and (3) Encourage local dissemination of surveys, studies, and investigations so that interested persons will have an opportunity to bring relevant data to the attention of the community and to the Federal Insurance Administrator. (4) Carry out the responsibilities for consultation and coordination set forth in §66.5 of this part. [41 FR 46988, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 47 FR 771, Jan. 7, 1982; 48 FR 44553, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36028, Sept. 4, 1985]
7	202	Duties of Communities Dependent on District	ARS §48-3609J	J. A flood control district or appropriate public agency which has failed to adopt or enforce floodplain regulations required by this section shall not be eligible for disaster relief identified by section 35-192, subsection D, paragraphs 3 and 5. The director of water resources shall advise the director of the division of emergency management within the department of emergency and military affairs of such failure to comply.
7	202	Duties of Communities Dependent on District	ARS §48-3610	Assumption of powers and duties by cities and towns; resolution; definitions A. The powers and duties prescribed by section 48-3609 for floodplain management may be assumed by the governing body of an incorporated city or town within its area of jurisdiction if the incorporated city or town declares by resolution that it intends to assume the powers and duties, including the adoption of floodplain management regulations, pursuant to this article. An incorporated city or town currently engaged in floodplain management may continue to exercise the floodplain management powers and duties pursuant to this article in its area of jurisdiction by passing a resolution declaring its intent to do so before August 3, 1984. B. If the assumption of powers and duties under this section occurs: 1. The city or town shall advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of all applications for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the boundary between the city's or town's area of jurisdiction and the area of jurisdiction of the district. The city or town shall also advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses outside the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the city or town. 2. The district shall advise the city or town in writing and provide a copy of any development plan of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the boundary between the district's area of jurisdiction and that of the city or town. The district shall also advise the city or town in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the district. C. Nothing in this section shall act to delay approval of a development plan by a city, town, county or district. D. If the city or town assuming the floodplain management and regulation function declares by resolution that it no longer wishes the powers and duties, then the powers and duties shall be assumed by the district. E. If the assumption of powers and duties occurs under this section, for purposes of applying this article to the city or town: 1. "Area of jurisdiction" means the lands within the municipal boundaries of the city or town. 2. "Board" means the governing body of a city or town. 48-3611. Citizens' flood control advisory board; qualification; functions A. The board of supervisors may appoint a citizens' flood control advisory board consisting of seven members. Five members shall be resident taxpayers and qualified electors of the district, at least three of whom shall be residents of the cities in the district. At least one of the board members who are residents of cities shall be a resident of the largest city in the district. The city engineer of the largest city in the district and the chief engineer or manager of a major irrigation or agricultural improvement district, or their representatives, shall be ex officio members of the advisory board with all rights and privileges granted to other board members. B. In appointing members of the advisory board the board of supervisors shall designate which appointive member shall serve for one year, which for two years, which for three years, which for four years and which for five years. Thereafter the term of each appointive member is five years except for a member appointed to an unexpired term. C. The citizens' flood control advisory board may request information from the chief engineer and general manager and his staff, engineering personnel from cities in the district and any other person with a knowledge of flood control practices. They may recommend the employment of consultants for the purpose of obtaining technical information and recommendations regarding flood control and floodplain management practices. D. The advisory board shall study the flood control, floodplain regulation, drainage and water conservation needs of the district, shall meet with and advise the board as requested by the board and may submit to the board reports and recommendations relating to such studies, but the recommendations are advisory only.

Page Number	Section	Title	Legal Authority	Legal Text
7	202	Duties of Communities Dependent on District (4)	ARS §48-3612	Board of review A. The board of supervisors may establish a board of review, which may be the advisory board or a committee of the advisory board to sit in review and make decisions as follows: 1. Interpret regulations adopted pursuant to this article if the meaning of a word, phrase or section is in doubt, if there is dispute between the appellant and district employees or if location of a floodway or floodplain is in doubt. 2. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of this article and the regulations will be preserved. B. Appeals to the review board may be taken by any person who feels that there is error or doubt in the interpretation of the regulation or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal. C. A person aggrieved in any manner by an action of the review board may within thirty days appeal to the district board.
7	203	Applicable Boards, Agencies, and Hearing Officer (C)	ARS §48-3611A	A. The board of supervisors may appoint a citizens' flood control advisory board consisting of seven members. Five members shall be resident taxpayers and qualified electors of the district, at least three of whom shall be residents of the cities in the district. At least one of the board members who are residents of cities shall be a resident of the largest city in the district. The city engineer of the largest city in the district and the chief engineer or manager of a major irrigation or agricultural improvement district, or their representatives, shall be ex officio members of the advisory board with all rights and privileges granted to other board members.
7	203	Applicable Boards, Agencies, and Hearing Officer (A)	ARS §48-3602B	B. The county board of supervisors shall be the board of directors of the district. The directors shall not receive compensation for their services as such but are entitled to reimbursement for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling within and without this state if necessary to carry on the affairs of the district.
7	203	Applicable Boards, Agencies, and Hearing Officer (A)	ARS §48-3603	*Powers, duties and immunities of district and board; exemptions
7	203	Applicable Boards, Agencies, and Hearing Officer (A)	ARS §48-3603D	D. The board shall adopt and enforce floodplain regulations as provided in section 48-3609.
7	203	Applicable Boards, Agencies, and Hearing Officer (A)	ARS §48-3603E	E. The board may adopt a fee schedule for review of applications for permits and variances from or interpretations of the floodplain regulations.
8	203	Applicable Boards, Agencies, and Hearing Officer (D)	ARS §48-3602B	B. The county board of supervisors shall be the board of directors of the district. The directors shall not receive compensation for their services as such but are entitled to reimbursement for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling within and without this state if necessary to carry on the affairs of the district.
8	203	Applicable Boards, Agencies, and Hearing Officer (D)	ARS §48-3612	Board of review A. The board of supervisors may establish a board of review, which may be the advisory board or a committee of the advisory board to sit in review and make decisions as follows: 1. Interpret regulations adopted pursuant to this article if the meaning of a word, phrase or section is in doubt, if there is dispute between the appellant and district employees or if location of a floodway or floodplain is in doubt. 2. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of this article and the regulations will be preserved. B. Appeals to the review board may be taken by any person who feels that there is error or doubt in the interpretation of the regulation or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal. C. A person aggrieved in any manner by an action of the review board may within thirty days appeal to the district board.
8	203	Applicable Boards, Agencies, and Hearing Officer (D)2	ARS §48-3603G	G. The board shall keep a proper written record of all of its proceedings, which shall be open to public inspection.
8	203	Applicable Boards, Agencies, and Hearing Officer (D)3	ARS §48-3612A(2)	2. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of this article and the regulations will be preserved.
8	203	Applicable Boards, Agencies, and Hearing Officer (E)	ARS §48-3612	Board of review A. The board of supervisors may establish a board of review, which may be the advisory board or a committee of the advisory board to sit in review and make decisions as follows: 1. Interpret regulations adopted pursuant to this article if the meaning of a word, phrase or section is in doubt, if there is dispute between the appellant and district employees or if location of a floodway or floodplain is in doubt. 2. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of this article and the regulations will be preserved. B. Appeals to the review board may be taken by any person who feels that there is error or doubt in the interpretation of the regulation or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal. C. A person aggrieved in any manner by an action of the review board may within thirty days appeal to the district board.
8	203	Applicable Boards, Agencies, and Hearing Officer (E)	ARS §48-3615.01G	G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order.

Page Number	Section	Title	Legal Authority	Legal Text
8	203	Applicable Boards, Agencies, and Hearing Officer (E)	ARS §48-3615.01H	H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time.
8	203	Applicable Boards, Agencies, and Hearing Officer (E)	ARS §48-3615.02	Judicial review; remedies The final decision of the board of hearing review is subject to judicial review pursuant to title 12, chapter 7, article 6. A district that has established civil penalties for violations of its regulations or ordinances or for damage or interference to its facilities is not precluded from pursuing other remedies provided by law.
9	203	Applicable Boards, Agencies, and Hearing Officer (H)	ARS §48-3603C(25)	25. Establish a board of hearing review to review decisions of hearing officers that are issued pursuant to section 48-3615.01. The board of hearing review shall consist of one member from each board of directors' district or the board of directors may authorize the citizens' flood control advisory board or the board of review to designate a like number of its members to serve as the board of hearing review.
9	204	Coordination	44 CFR 60.26	§ 60.26 Local coordination. (a) Local flood plain, mudslide (i.e., mudflow) and flood-related erosion area management, forecasting, emergency preparedness, and damage abatement programs should be coordinated with relevant Federal, State, and regional programs; (b) A community adopting flood plain management regulations pursuant to these criteria should coordinate with the appropriate State agency to promote public acceptance and use of effective flood plain, mudslide, (i.e., mudflow) and flood-related erosion regulations; (c) A community should notify adjacent communities prior to substantial commercial developments and large subdivisions to be undertaken in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards.
9	204	Coordination	ARS §48-3609	*Floodplain delineation; regulation of use; federal requirements and definitions
9	204	Coordination	ARS §48-3610	Assumption of powers and duties by cities and towns; resolution; definitions A. The powers and duties prescribed by section 48-3609 for floodplain management may be assumed by the governing body of an incorporated city or town within its area of jurisdiction if the incorporated city or town declares by resolution that it intends to assume the powers and duties, including the adoption of floodplain management regulations, pursuant to this article. An incorporated city or town currently engaged in floodplain management may continue to exercise the floodplain management powers and duties pursuant to this article in its area of jurisdiction by passing a resolution declaring its intent to do so before August 3, 1984. B. If the assumption of powers and duties under this section occurs: 1. The city or town shall advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of all applications for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the boundary between the city's or town's area of jurisdiction and the area of jurisdiction of the district. The city or town shall also advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses outside the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the city or town. 2. The district shall advise the city or town in writing and provide a copy of any development plan of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the boundary between the district's area of jurisdiction and that of the city or town. The district shall also advise the city or town in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the district. C. Nothing in this section shall act to delay approval of a development plan by a city, town, county or district. D. If the city or town assuming the floodplain management and regulation function declares by resolution that it no longer wishes the powers and duties, then the powers and duties shall be assumed by the district. E. If the assumption of powers and duties occurs under this section, for purposes of applying this article to the city or town: 1. "Area of jurisdiction" means the lands within the municipal boundaries of the city or town. 2. "Board" means the governing body of a city or town.

Page Number	Section	Title	Legal Authority	Legal Text
10	205	Definitions: Adverse Impact	44 CFR 60.5	The Federal Insurance Administrator will provide the data upon which flood plain management regulations for flood-related erosion-prone areas shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review, and reasonably utilize data available from other Federal, State or other sources, pending receipt of data from the Federal Insurance Administrator. However, when special flood-related erosion hazard area designations have been furnished by the Federal Insurance Administrator they shall apply. The symbols defining such special flood-related erosion hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-related erosion-prone areas adopted by a particular community depend on the amount of technical data provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows: (a) When the Federal Insurance Administrator has not yet identified any area within the community as having special flood-related erosion hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall (1) Require the issuance of a permit for all proposed construction, or other development in the area of flood-related erosion hazard, as it is known to the community; (2) Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard; and (3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard. (b) When the Federal Insurance Administrator has delineated Zone E on the community's FIRM, the community shall (1) Meet the requirements of paragraph (a) of this section; and (2) Require a setback for all new development from the ocean, lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated by the Federal Insurance Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.
10	205	Definitions: Adverse Impact	ARS §48-3609B(1)	1. Regulations for all development of land, construction of residential, commercial or industrial structures or uses of any kind which may divert, retard or obstruct floodwater and threaten public health or safety or the general welfare.
10	205	Definitions: Alluvial Fan	44 CFR 59.1: Alluvial Fan Flooding	Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.
10	205	Definitions: Apex	44 CFR 59.1: Apex	Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
10	205	Definitions: Area of Shallow Flooding	44 CFR 59.1: Area of Shallow Flooding	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.
10	205	Definitions: Base Flood	FEMA: Base Flood	Base Flood. A flood having a 1 percent chance of being equaled or exceeded in any given year.
10	205	Definitions: Base Flood	FEMA: Base Flood Elevation	Base Flood Elevation (BFE). The elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1- A30, AR/AH, AR/AO, V1-V30, and VE.
10	205	Definitions: Basement	44 CFR 59.1: Basement	Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
11	205	Definitions: Breakaway	44 CFR 59.1: Breakaway Wall	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.
11	205	Definitions: Breakaway Wall	FEMA: Breakaway Wall	Breakaway Wall. A wall that is not part of the structural support of a 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.
11	205	Definitions: Building	44 CFR 59.1: Structure	Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, 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.
11	205	Definitions: Building	FEMA: Building	Building. •A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or •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 1 or more sections, and affixed to a permanent foundation); or •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. "Building" does not mean a gas or liquid storage tank or a recreational vehicle, a park trailer, or other similar vehicle, except as described above.
11	205	Definitions: Community	44 CFR 59.1: Community	Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

Page Number	Section	Title	Legal Authority	Legal Text
11	205	Definitions: Community	FEMA: Community	Community. A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.
11	205	Definitions: Crawl Space	FEMA: Crawl Space	Crawlspace. An under-floor space that has its interior floor area (finished or not) no more than 5 feet below the top of the next-higher floor. Crawlspace generally have solid perimeter foundation walls. See Diagram 8 in the Elevation Certificate Instructions.
11	205	Definitions: Cumulative Substantial Improvement	44 CFR 60.1 (d)	(d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.
12	205	Definitions: Development	44 CFR 59.1: Development	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.
12	205	Definitions: Development	ARS §48-3601 (3)	Development means any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
12	205	Definitions: Dwelling	FEMA: Dwelling	Dwelling. A building designed for use as a residence for no more than 4 families or a single-family unit in a building under the condominium form of ownership.
12	205	Definitions: Enclosure	FEMA: Enclosure	Enclosure. That portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.
12	205	Definitions: Erosion	44 CFR 59.1: Erosion	Erosion means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
12	205	Definitions: Erosion	FEMA: Erosion	Erosion. The collapse, undermining, or subsidence of land along the shore of a lake or other body of water. Erosion is a covered peril if it is caused by waves or currents of water exceeding their cyclical levels which result in flooding.
12	205	Definitions: Erosion Hazard Zone	44 CFR 59.1: Area of special flood-related erosion hazard	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.
13	205	Definitions: Flood	ARS §48-3601 (5)	Flood or "floodwaters" means a temporary rise in water level including groundwater or overflow of water onto lands not normally covered by water.
13	205	Definitions: Flood	FEMA: Flood	Flood. •A general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or of 2 or more properties (at least 1 of which is the policyholder's property) from: <ul style="list-style-type: none"> ° Overflow of inland or tidal waters; ° Unusual and rapid accumulation or runoff of surface waters from any source; or° Mudflow; or •Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.
13	205	Definitions: Flood Insurance Rate Map (FIRM)	44 CFR 59.1: FIRM	Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
13	205	Definitions: Flood Insurance Rate Map (FIRM)	FEMA: FIRM	Flood Insurance Rate Map (FIRM). Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs), and the risk premium zones applicable to the community.
13	205	Definitions: Flood Insurance Study (FIS)	44 CFR 59.1: FIS	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.
13	205	Definitions: Floodplain	ARS §48-3601 (6)	Floodplain means any areas in a watercourse which have been or may be covered partially or wholly by floodwater from the one hundred-year flood.
13	205	Definitions: Floodplain	FEMA: Floodplain	Floodplain. Any land area susceptible to being inundated by floodwaters from any source.
13	205	Definitions: Floodplain Management	FEMA: Floodplain Management	Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood-control works, and floodplain management regulations.
13	205	Definitions: Floodplain Regulations	44 CFR 59.1: Floodplain Regulations	Flood plain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
13	205	Definitions: Floodplain Regulations	ARS §48-3601 (7)	Floodplain regulations means the codes, ordinances and other regulations adopted pursuant to this article relating to the use of land and construction within the floodway and floodplain areas.
13	205	Definitions: Floodproofing	FEMA: Floodproofing	Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
13	205	Definitions: Floodway	44 CFR 59.1:Floodway	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.
13	205	Definitions: Floodway	ARS §48-3601 (8)	Floodway means the area of a river or other watercourse and the adjacent land areas necessary in order to discharge the one hundred-year flood without cumulatively increasing the water surface elevation more than one foot.

Page Number	Section	Title	Legal Authority	Legal Text
14	205	Definitions: Functionally Dependent Use	44 CFR 59.1: Functionally Dependent Use	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.
14	205	Definitions: Highest Adjacent Natural Grade	44 CFR 59.1: Highest Adjacent Natural Grade	Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
14	205	Definitions: Historic Structure	44 CFR 59.1: Historic 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 preservation 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.
15	205	Definitions: Levee	44 CFR 59.1: Levee	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.
15	205	Definitions: Levee System	44 CFR 59.1: Levee System	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.
15	205	Definitions: Lowest Floor	44 CFR 59.1: Lowest Floor	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 §60.3.
15	205	Definitions: Lowest Floor	FEMA: Lowest Floor	Lowest Floor. The lowest floor of the lowest enclosed area (including a 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 requirements.
15	205	Definitions: Mobile/ Manufactured Home	44 CFR 59.1: Manufactured Home	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".
15	205	Definitions: New Construction	44 CFR 59.1: New Construction	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.
15	205	Definitions: New Construction	FEMA: New Construction	New Construction. Buildings for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, including any subsequent improvements.
16	205	Definitions: New Manufactured Home Park or Subdivision	44 CFR 59.1: New Manufactured Home Park or Subdivision	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.
16	205	Definitions: One-Hundred Year Flood	44 CFR 59.1: One-Hundred year Flood	Base flood means the flood having a one percent chance of being equalled or exceeded in any given year.
16	205	Definitions: One-Hundred Year Flood	ARS §48-3601 (9)	One hundred-year flood or "base flood" means a flood that has a one per cent chance of being equaled or exceeded in a one year period, based on the criteria established by the director of water resources.
16	205	Definitions: Person	44 CFR 59.1: Person	Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
16	205	Definitions: Person	ARS §48-3601 (10)	Person means an individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, or this state or its agencies or political subdivisions.
16	205	Definitions: Recreation Vehicle	44 CFR 59.1: Recreation Vehicle	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.
16	205	Definitions: Regulatory Flood Elevation (RFE)	ARS §48-3601 (11)	Regulatory flood elevation means the elevation which is one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be as determined by the criteria developed by the director of water resources for all other watercourses.
17	205	Definitions: Solid Waste Landfill	ARS §49-766	Agricultural landfills; notice A. A single family residence located on a farm or ranch of more than forty acres in an unincorporated area may operate on site a landfill for the disposal of solid waste resulting from the residents' household activities. The owner or operator of the farm or ranch shall comply with all of the following
17	205	Definitions: Special Flood Hazard Area	44 CFR 59.1: Special Flood Hazard Area	Area of special flood hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Page Number	Section	Title	Legal Authority	Legal Text
17	205	Definitions: Special Flood Hazard Area	ARS §48-3605A	A. The director of water resources shall develop and adopt criteria for establishing the one hundred-year flood and delineating floodplains.
17	205	Definitions: Special Flood Hazard Area	FEMA: Special Flood Hazard Area	Special Flood Hazard Area (SFHA). An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zone A, AO, A1–A30, AE, A99, AH, AR, AR/A, AR/AE, AR/ AH, AR/AO, AR/A1–A30, V1–V30, VE, or V. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 Zones are treated as non-SFHAs.
17	205	Definitions: Start of Construction	44 CFR 59.1: Start of Construction	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.
17	205	Definitions: Start of Construction	FEMA: Start of Construction	Start of Construction. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date when the building permit was issued, provided that the actual start of construction, repair, 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 building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, 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.
17	205	Definitions: Structure	44 CFR 59.1: Structure	Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, 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.
17	205	Definitions: Substantial Damage	44 CFR 59.1: Substantial Damage	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 50 percent of the market value of the structure before the damage occurred.
17	205	Definitions: Substantial Damage	FEMA: Substantial Damage	Substantial Damage. Damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred.
17	205	Definitions: Substantial Improvement	44 CFR 59.1: Substantial Improvement	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 50 percent of the market value of the structure before the damage occurred.
17	205	Definitions: Substantial Improvement	FEMA: Substantial Improvement	Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building before the “start of construction” of the improvement. Substantial improvement includes buildings that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a “historic building,” provided that the alteration will not preclude the building’s continued designation as a “historic building.”
18	205	Definitions: Variance	44 CFR 59.1: Variance	Variance means a grant of relief by a community from the terms of a flood plain management regulation.
18	205	Definitions: Variance	FEMA: Variance	Variance. A grant of relief by a participating community from the terms of its floodplain management regulations.
18	205	Definitions: Watercourse	ARS §48-3601 (12)	Watercourse means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
18	205	Definitions: Watercourse Master Plan (WCMP)	ARS §48-3609.01F	watercourse master plan means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages and that establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.
19	205	Definitions: *Type of Zones	FEMA: Zone Informations	*Information available on FEMA website
22	301	Minimum Area of Jurisdiction (A)	ARS §48-3601 (1)	1. "Area of jurisdiction" means the incorporated and unincorporated areas of the county, including public lands, excluding those incorporated areas of cities or towns which have elected to assume floodplain management powers and duties pursuant to section 48-3610.
22	301	Minimum Area of Jurisdiction (A)	ARS §48-3609A	A. Except as provided in section 48-3610, the board within its area of jurisdiction shall delineate or may by rule require developers of land to delineate for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the director of water resources.

Page Number	Section	Title	Legal Authority	Legal Text
22	301	Minimum Area of Jurisdiction (A)	ARS §48-3609B(1)	1. Regulations for all development of land, construction of residential, commercial or industrial structures or uses of any kind which may divert, retard or obstruct floodwater and threaten public health or safety or the general welfare.
22	301	Minimum Area of Jurisdiction (A)	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
22	301	Minimum Area of Jurisdiction (A)	ARS §48-3610	Assumption of powers and duties by cities and towns; resolution; definitions A. The powers and duties prescribed by section 48-3609 for floodplain management may be assumed by the governing body of an incorporated city or town within its area of jurisdiction if the incorporated city or town declares by resolution that it intends to assume the powers and duties, including the adoption of floodplain management regulations, pursuant to this article. An incorporated city or town currently engaged in floodplain management may continue to exercise the floodplain management powers and duties pursuant to this article in its area of jurisdiction by passing a resolution declaring its intent to do so before August 3, 1984. B. If the assumption of powers and duties under this section occurs: 1. The city or town shall advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of all applications for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the boundary between the city's or town's area of jurisdiction and the area of jurisdiction of the district. The city or town shall also advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses outside the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the city or town. 2. The district shall advise the city or town in writing and provide a copy of any development plan of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the boundary between the district's area of jurisdiction and that of the city or town. The district shall also advise the city or town in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the district. C. Nothing in this section shall act to delay approval of a development plan by a city, town, county or district. D. If the city or town assuming the floodplain management and regulation function declares by resolution that it no longer wishes the powers and duties, then the powers and duties shall be assumed by the district. E. If the assumption of powers and duties occurs under this section, for purposes of applying this article to the city or town: 1. "Area of jurisdiction" means the lands within the municipal boundaries of the city or town. 2. "Board" means the governing body of a city or town. 48-3611. Citizens' flood control advisory board; qualification; functions A. The board of supervisors may appoint a citizens' flood control advisory board consisting of seven members. Five members shall be resident taxpayers and qualified electors of the district, at least three of whom shall be residents of the cities in the district. At least one of the board members who are residents of cities shall be a resident of the largest city in the district. The city engineer of the largest city in the district and the chief engineer or manager of a major irrigation or agricultural improvement district, or their representatives, shall be ex officio members of the advisory board with all rights and privileges granted to other board members. B. In appointing members of the advisory board the board of supervisors shall designate which appointive member shall serve for one year, which for two years, which for three years, which for four years and which for five years. Thereafter the term of each appointive member is five years except for a member appointed to an unexpired term. C. The citizens' flood control advisory board may request information from the chief engineer and general manager and his staff, engineering personnel from cities in the district and any other person with a knowledge of flood control practices. They may recommend the employment of consultants for the purpose of obtaining technical information and recommendations regarding flood control and floodplain management practices. D. The advisory board shall study the flood control, floodplain regulation, drainage and water conservation needs of the district, shall meet with and advise the board as requested by the board and may submit to the board reports and recommendations relating to such studies, but the recommendations are advisory only.
22	301	Minimum Area of Jurisdiction (B)	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
22	302	Flood Hazards Not Delineated	ARS §48-3609A	A. Except as provided in section 48-3610, the board within its area of jurisdiction shall delineate or may by rule require developers of land to delineate for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the director of water resources.

Page Number	Section	Title	Legal Authority	Legal Text
22	302	Flood Hazards Not Delineated	ARS §48-3610	<p>Assumption of powers and duties by cities and towns; resolution; definitions A. The powers and duties prescribed by section 48-3609 for floodplain management may be assumed by the governing body of an incorporated city or town within its area of jurisdiction if the incorporated city or town declares by resolution that it intends to assume the powers and duties, including the adoption of floodplain management regulations, pursuant to this article. An incorporated city or town currently engaged in floodplain management may continue to exercise the floodplain management powers and duties pursuant to this article in its area of jurisdiction by passing a resolution declaring its intent to do so before August 3, 1984. B. If the assumption of powers and duties under this section occurs: 1. The city or town shall advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of all applications for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the boundary between the city's or town's area of jurisdiction and the area of jurisdiction of the district. The city or town shall also advise the district and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses outside the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the city or town. 2. The district shall advise the city or town in writing and provide a copy of any development plan of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the boundary between the district's area of jurisdiction and that of the city or town. The district shall also advise the city or town in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the district. C. Nothing in this section shall act to delay approval of a development plan by a city, town, county or district. D. If the city or town assuming the floodplain management and regulation function declares by resolution that it no longer wishes the powers and duties, then the powers and duties shall be assumed by the district. E. If the assumption of powers and duties occurs under this section, for purposes of applying this article to the city or town: 1. "Area of jurisdiction" means the lands within the municipal boundaries of the city or town. 2. "Board" means the governing body of a city or town. 48-3611. Citizens' flood control advisory board; qualification; functions A. The board of supervisors may appoint a citizens' flood control advisory board consisting of seven members.</p> <p>Five members shall be resident taxpayers and qualified electors of the district, at least three of whom shall be residents of the cities in the district. At least one of the board members who are residents of cities shall be a resident of the largest city in the district. The city engineer of the largest city in the district and the chief engineer or manager of a major irrigation or agricultural improvement district, or their representatives, shall be ex officio members of the advisory board with all rights and privileges granted to other board members. B. In appointing members of the advisory board the board of supervisors shall designate which appointive member shall serve for one year, which for two years, which for three years, which for four years and which for five years. Thereafter the term of each appointive member is five years except for a member appointed to an unexpired term. C. The citizens' flood control advisory board may request information from the chief engineer and general manager and his staff, engineering personnel from cities in the district and any other person with a knowledge of flood control practices. They may recommend the employment of consultants for the purpose of obtaining technical information and recommendations regarding flood control and floodplain management practices. D. The advisory board shall study the flood control, floodplain regulation, drainage and water conservation needs of the district, shall meet with and advise the board as requested by the board and may submit to the board reports and recommendations relating to such studies, but the recommendations are advisory only.</p>
22	302	Flood Hazards Not Delineated	S.S. 2-96	*ADWR includes ALL FEMA floodplain
22	302	Flood Hazards Not Delineated	ARS §45-105B	*Powers and duties of director
22	303	Basis for Establishing the Areas of Special Flood Hazard	ARS §48-3609	*Floodplain delineation; regulation of use; federal requirements and definitions
22	304	Other Flood Hazard Boundaries	44 CFR 65.3	Sec. 65.3 Requirement to submit new technical data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.
22	304	Other Flood Hazard Boundaries	ARS §48-3609.01A	A. If a district organized pursuant to this chapter has completed a watercourse master plan which includes one or more watercourses, and if the plan has been adopted by the board or by any other jurisdiction in that river or drainage system, the board and the governing body of each jurisdiction may adopt and shall enforce uniform rules for that river or drainage system within the jurisdiction using criteria that meet or exceed criteria adopted by the director of water resources pursuant to section 48-3605, subsection A.

Page Number	Section	Title	Legal Authority	Legal Text
24	305	Watercourse Master Plans (A)	ARS §48-3609.01	Watercourse master plans; definition (L04, Ch. 321, sec. 2. Eff. until 10/1/11) A. If a district organized pursuant to this chapter has completed a watercourse master plan which includes one or more watercourses, and if the plan has been adopted by the board or by any other jurisdiction in that river or drainage system, the board and the governing body of each jurisdiction may adopt and shall enforce uniform rules for that river or drainage system within the jurisdiction using criteria that meet or exceed criteria adopted by the director of water resources pursuant to section 48-3605, subsection A. B. During the preparation of a watercourse master plan, record owners of real property in and immediately contiguous to the watercourse or watercourses included in the planning shall be publicly notified by the board or its agents so that the owners may have input to the planning process. In addition, aggregate mining operations recommendation committees organized pursuant to section 11-830, subsection D, if any, shall be notified. C. All watercourse master plans shall consider recharge techniques including gabions, swales, dry wells, sand tanks and small dams. D. This section does not apply to any city or town which has adopted a resolution assuming floodplain management and regulation within its area of jurisdiction as provided in section 48-3610 prior to July 1, 1990. E. A district that has prepared a watercourse master plan for a river may participate in the planning, establishment and operation of a recreational corridor channelization district established pursuant to chapter 35 of this title. F. For the purposes of this section, "watercourse master plan" means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages and that establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.
24	305	Watercourse Master Plans (B)	ARS §11-830D	D. The board of supervisors of any county that establishes an aggregate mining operations zoning district shall appoint an aggregate mining operations recommendation committee for the district. The committee shall consist of not more than seven operators, or representatives of operators, of active aggregate mining operations in any district within the county and an equal number of private citizens, who are not operators, who are not employed by operators and who do not represent operators, residing within three miles of the boundaries of aggregate mining operations or a proposed aggregate mining operation in the district for which the committee is established. The initial members appointed to the committee shall be deemed the primary members and the board of supervisors shall appoint no more than five alternate members who represent operators and shall appoint no more than five alternate members who are private citizens. Alternate members may serve at meetings of the committee when a primary member is unable to attend. An aggregate mining operator may serve on more than one committee in the same county. The board of supervisors shall determine the length of terms of members of the committee and shall stagger the initial appointments so that not all members' terms expire at the same time. Members of the committee who no longer qualify for membership as provided by this subsection are subject to removal and replacement by the board of supervisors. The committee shall elect a member who is an aggregate mining operator to serve as chairman for the first year in which the committee is created. For each year thereafter, the chairman shall be elected by the members of the committee with a member who is a private citizen and a member who is an aggregate mining operator serving as chairman in alternate years. The committee is subject to the open meeting requirements of title 38, chapter 3, article 3.1.
24	305	Watercourse Master Plans (B)	ARS §48-3609.01B	B. During the preparation of a watercourse master plan, record owners of real property in and immediately contiguous to the watercourse or watercourses included in the planning shall be publicly notified by the board or its agents so that the owners may have input to the planning process. In addition, aggregate mining operations recommendation committees organized pursuant to section 11-830, subsection D, if any, shall be notified.
24	305	Watercourse Master Plans (C)	ARS §48-3609.01C	C. All watercourse master plans shall consider recharge techniques including gabions, swales, dry wells, sand tanks and small dams.
24	305	Watercourse Master Plans (D)	44 CFR 60.1 (d)	(d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.

Page Number	Section	Title	Legal Authority	Legal Text
24	305	Watercourse Master Plans (D)	44 CFR 60.3	<p>§ 60.3 Flood plain management criteria for flood-prone areas. top The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows: (a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall: (1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas; (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) 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. (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards; (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and (6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding. (b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM; (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM; (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data; (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section; (5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM: (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii); (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator; (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; (8) 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 to be 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. (c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall: (1) Require the standards of paragraph (b) of this section within all A1–30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM; (2) Require that all new construction and substantial improvements of residential structures within Zones A1–30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c); (3) Require that all new construction and substantial improvements of non-residential structures within Zones A1–30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</p> <p>(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii); (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (6) Require that manufactured homes that are placed or substantially improved within Zones A1–30, AH, and AE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement. (7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); (8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in §60.3(c)(3)(ii); (9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section; (10) Require until a regulatory floodway is designated, that 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.</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either (i) The lowest floor of the manufactured home is at or above the base flood elevation, or (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. (13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall: (1) Meet the requirements of paragraphs (c) (1) through (14) of this section; (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point; (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated 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 within the community during the occurrence of the base flood discharge; (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:</p> <p>(1) Meet the requirements of paragraphs (c)(1) through (14) of this section; (2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii); (3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide; (4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section. (5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and, (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. (6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM; (7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.</p>

Page Number	Section Title	Legal Authority	Legal Text
			(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section. (9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall: (1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section. (2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in §59.1 in accordance with the eligibility procedures under §65.14. (3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less: (i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and (ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section. (4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet: (i) Determine the AR base flood elevation; and (ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section. (5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A: (i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section; (ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and (iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section. (6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A: (i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and (ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section. (7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation. [41 FR 46975, Oct. 26, 1976] Editorial Note: For Federal Register citations affecting §60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.
24	305	Watercourse Master Plans (D)	ARS §48-3605
24	305	Watercourse Master Plans (D)	ARS §48-3609.01A
24	305	Watercourse Master Plans (D)	ARS §48-3609B(2)
24	306	Publication of Flood Hazard Boundaries	44 CFR 60.1 (d)
			A. The director of water resources shall develop and adopt criteria for establishing the one hundred-year flood and delineating floodplains.
			A. If a district organized pursuant to this chapter has completed a watercourse master plan which includes one or more watercourses, and if the plan has been adopted by the board or by any other jurisdiction in that river or drainage system, the board and the governing body of each jurisdiction may adopt and shall enforce uniform rules for that river or drainage system within the jurisdiction using criteria that meet or exceed criteria adopted by the director of water resources pursuant to section 48-3605, subsection A.
			2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
			(d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.

Page Number	Section	Title	Legal Authority	Legal Text
24	306	Publication of Flood Hazard Boundaries	44 CFR 60.3	<p>§ 60.3 Flood plain management criteria for flood-prone areas. top The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows: (a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall: (1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas; (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) 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. (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards; (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and (6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding. (b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall: (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM; (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM; (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data; (4) Obtain, review and reasonably utilize any base flood elevation and floodway data</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and</p> <p>(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding. (b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall: (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM; (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM; (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data; (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section; (5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM: (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii); (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator; (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; (8) 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 to be 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. (c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall: (1) Require the standards of paragraph (b) of this section within all A1–30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM; (2) Require that all new construction and substantial improvements of residential structures within Zones A1–30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1–30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; (4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii); (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (6) Require that manufactured homes that are placed or substantially improved within Zones A1–30, AH, and AE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. (7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); (8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in §60.3(c)(3)(ii); (9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section; (10) Require until a regulatory floodway is designated, that 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.</p> <p>(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A–1–30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either (i) The lowest floor of the manufactured home is at or above the base flood elevation, or (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. (13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1–30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (14) Require that recreational vehicles placed on sites within Zones A1–30, AH, and AE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for “manufactured homes” in paragraph (c)(6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall: (1) Meet the requirements of paragraphs (c) (1) through (14) of this section; (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point; (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated 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 within the community during the occurrence of the base flood discharge; (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1–30, VE, and/or V, the community shall: (1) Meet the requirements of paragraphs (c)(1) through (14) of this section;</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(2) Within Zones V1–30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii); (3) Provide that all new construction within Zones V1–30, VE, and V on the community's FIRM is located landward of the reach of mean high tide; (4) Provide that all new construction and substantial improvements in Zones V1–30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section. (5) Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and, (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. (6) Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the community's FIRM; (7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the community's FIRM which would increase potential flood damage.</p> <p>(8) Require that manufactured homes placed or substantially improved within Zones V1–30, V, and VE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1–30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section. (9) Require that recreational vehicles placed on sites within Zones V1–30, V, and VE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1–30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall: (1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section. (2) Adopt the official map or legal description of those areas within Zones AR, AR/A1–30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in §59.1 in accordance with the eligibility procedures under §65.14. (3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less: (i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and (ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section. (4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet: (i) Determine the AR base flood elevation; and (ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section. (5) For all new construction of structures in areas within Zone AR/A1–30, AR/AE, AR/AH, AR/AO, and AR/A: (i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section; (ii) Determine the base flood elevation or flood depth for the underlying A1–30, AE, AH, AO and A Zone; and (iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section. (6) For all substantial improvements to existing construction within Zones AR/A1–30, AR/AE, AR/AH, AR/AO, and AR/A: (i) Determine the A1–30 or AE, AH, AO, or A Zone base flood elevation; and (ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section. (7) Notify the permit applicant that the area has been designated as an AR, AR/A1–30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation. [41 FR 46975, Oct. 26, 1976] Editorial Note: For Federal Register citations affecting §60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.</p>
24	306 Publication of Flood Hazard Boundaries	ARS §48-3602A	A. Each county shall organize a county flood control district to include and govern its area of jurisdiction.

Page Number	Section	Title	Legal Authority	Legal Text
24	306	Publication of Flood Hazard Boundaries	ARS §48-3609.01	Watercourse master plans; definition (L04, Ch. 321, sec. 2. Eff. until 10/1/11) A. If a district organized pursuant to this chapter has completed a watercourse master plan which includes one or more watercourses, and if the plan has been adopted by the board or by any other jurisdiction in that river or drainage system, the board and the governing body of each jurisdiction may adopt and shall enforce uniform rules for that river or drainage system within the jurisdiction using criteria that meet or exceed criteria adopted by the director of water resources pursuant to section 48-3605, subsection A. B. During the preparation of a watercourse master plan, record owners of real property in and immediately contiguous to the watercourse or watercourses included in the planning shall be publicly notified by the board or its agents so that the owners may have input to the planning process. In addition, aggregate mining operations recommendation committees organized pursuant to section 11-830, subsection D, if any, shall be notified. C. All watercourse master plans shall consider recharge techniques including gabions, swales, dry wells, sand tanks and small dams. D. This section does not apply to any city or town which has adopted a resolution assuming floodplain management and regulation within its area of jurisdiction as provided in section 48-3610 prior to July 1, 1990. E. A district that has prepared a watercourse master plan for a river may participate in the planning, establishment and operation of a recreational corridor channelization district established pursuant to chapter 35 of this title. F. For the purposes of this section, "watercourse master plan" means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages and that establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.E185
24	307	Public Notice	ARS §48-3604C	C. Before establishing zones or altering their boundary lines, the board shall fix a date for a hearing, which shall be not less than twenty-one days nor more than forty days from the date of the resolution. Any interested citizen may appear at the hearing and be heard on any matter relating to the reasonableness of establishing the zones. Notice of the hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation in the area of jurisdiction and zone and shall be posted in not less than thirty public places in the zone. The posting and the first date of the publications shall be not less than three weeks before the date of the hearing.
24	307	Public Notice	ARS §48-3609E	E. Floodplain regulations enacted pursuant to this article may only be adopted after a public hearing at which parties in interest and other citizens have an opportunity to be heard. At least thirty days before the hearing, a notice of the time and place of the hearing shall be published in a newspaper of general circulation within the county or, if no newspaper of general circulation is regularly published, in a newspaper of general circulation nearest the area of jurisdiction. A notice of any hearing accompanied by a copy of each of the proposed regulations shall be furnished to the director at least thirty days before the date of the hearing. A copy of any regulation adopted by a district pursuant to this article shall within five days thereafter be filed with the director and with each political subdivision and municipal corporation in the area of jurisdiction.
24	308	Determination in Case of Dispute	ARS §48-3612A(1)	1. Interpret regulations adopted pursuant to this article if the meaning of a word, phrase or section is in doubt, if there is dispute between the appellant and district employees or if location of a floodway or floodplain is in doubt.
27	400	FLOODPLAIN USE PERMIT, APPEALS, AND VARIANCES	44 CFR 60.6	§ 60.6 Variances and exceptions. top (a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows: (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result; (2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section; (3) Variances shall only be issued by a community 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, and (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; (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; (5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and (6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator. (7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Page Number	Section Title	Legal Authority	Legal Text
			(b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in §§60.3, 60.4 or §60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in §§60.3, 60.4, or §60.5, shall explain in writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment. (2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS. (c) A community may propose flood plain management measures which adopt standards for floodproofed residential basements below the base flood level in zones A1–30, AH, AO, and AE which are not subject to tidal flooding. Notwithstanding the requirements of paragraph (b) of this section the Federal Insurance Administrator may approve the proposal provided that: (1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include: (i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots; (ii) Flood velocities that are five feet per second or less; and (iii) Flood warning times that are 12 hours or greater. Flood warning times of two hours or greater may be approved if the community demonstrates that it has a flood warning system and emergency plan in operation that is adequate to ensure safe evacuation of flood plain residents. (2) The community has adopted flood plain management measures that require that new construction and substantial improvements of residential structures with basements in zones A1–30, AH, AO, and AE shall: (i) Be designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet. (ii) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood; (iii) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover; (iv) Have a registered professional engineer or architect develop or review the building's structural design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph; (v) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable. [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36025, Sept. 4, 1985; 51 FR 30308, Aug. 25, 1986; 54 FR 33550, Aug. 15, 1989]
27	400 FLOODPLAIN USE PERMIT, APPEALS, AND VARIANCES	ARS §48-3603C(16)	16. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 and if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of this article and the regulations will be preserved.
27	401 Floodplain Use Permit Required	ARS §48-3609A	A. Except as provided in section 48-3610, the board within its area of jurisdiction shall delineate or may by rule require developers of land to delineate for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the director of water resources.
27	401 Floodplain Use Permit Required	ARS §48-3609F	F. All development of land, construction of residential, commercial or industrial structures or future development within delineated floodplain areas is prohibited unless floodplain regulations have been adopted pursuant to this article for such floodplain area and are in full force and effect.
27	401 Floodplain Use Permit Required	ARS §48-3613A	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.
27	401 Floodplain Use Permit Required (A)	44 CFR 59.2 (b)	(b) To qualify for the sale of federally-subsidized flood insurance a community must adopt and submit to the Federal Insurance Administrator. as part of its application, flood plain management regulations, satisfying at a minimum the criteria set forth at part 60 of this subchapter, designed to reduce or avoid future flood, mudslide (i.e., mudflow) or flood-related erosion damages. These regulations must include effective enforcement provisions.
27	401 Floodplain Use Permit Required (A)	ARS §48-3614	Declaration of public nuisance; abatement All development located or maintained in a floodplain since August 8, 1973 in violation of this article or of floodplain regulations established by the board and without written authorization from the board is a public nuisance per se and may be abated, prevented or restrained by action of this state or any of its political subdivisions.
27	401 Floodplain Use Permit Required	ARS §48-3602A	A. Each county shall organize a county flood control district to include and govern its area of jurisdiction.

Page Number	Section	Title	Legal Authority	Legal Text
27	401	Floodplain Use Permit Required	ARS §48-3609I	I. Within one hundred twenty days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the director of water resources.
27	401	Floodplain Use Permit Required	44 CFR 60.3 (b)(3)	(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;
27	401	Floodplain Use Permit Required	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
27	401	Floodplain Use Permit Required	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
28	402	Permit Fees	ARS §48-3603E	E. The board may adopt a fee schedule for review of applications for permits and variances from or interpretations of the floodplain regulations.
28	403	Application Requirements (A)	ARS §48-3613C	C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment.
30	404	Permit Conditions	ARS §48-3603D	D. The board shall adopt and enforce floodplain regulations as provided in section 48-3609.
30	404	Permit Conditions	ARS §48-3613	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.
30	404	Permit Conditions	ARS §48-3615A	Violation; classification; civil penalties; strict liability A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613.
30	404	Permit Conditions (C)	ARS §48-3643	*Inspections; applicability
30	404	Permit Conditions (D)	ARS §48-3645	*Licensing time frames; compliance; consequence for failure to comply with time frame; exemption
33	405	Elevation and Floodproofing Certificates	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
33	405	Elevation and Floodproofing Certificates	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
33	405	Elevation and Floodproofing Certificates (B)	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.

Page Number	Section	Title	Legal Authority	Legal Text
33	405	Elevation and Floodproofing Certificates (C)	44 CFR 60.3	<p>§ 60.3 Flood plain management criteria for flood-prone areas. top The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows: (a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall: (1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas; (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) 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. (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards; (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and (6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.</p> <p>(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall: (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM; (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM; (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data; (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section; (5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM: (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii); (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator; (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; (8) 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 to be 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. (c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall: (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM; (2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1–30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; (4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii); (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (6) Require that manufactured homes that are placed or substantially improved within Zones A1–30, AH, and AE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. (7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); (8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in §60.3(c)(3)(ii); (9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;</p> <p>(10) Require until a regulatory floodway is designated, that 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. (11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A–1–30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either (i) The lowest floor of the manufactured home is at or above the base flood elevation, or (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. (13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1–30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator. (14) Require that recreational vehicles placed on sites within Zones A1–30, AH, and AE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall: (1) Meet the requirements of paragraphs (c) (1) through (14) of this section; (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point; (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated 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 within the community during the occurrence of the base flood discharge; (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.</p>

Page Number	Section Title	Legal Authority	Legal Text
			<p>(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1–30, VE, and/or V, the community shall: (1) Meet the requirements of paragraphs (c)(1) through (14) of this section; (2) Within Zones V1–30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii); (3) Provide that all new construction within Zones V1–30, VE, and V on the community's FIRM is located landward of the reach of mean high tide; (4) Provide that all new construction and substantial improvements in Zones V1–30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section. (5) Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and, (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. (6) Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the community's FIRM; (7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the community's FIRM which would increase potential flood damage.</p> <p>(8) Require that manufactured homes placed or substantially improved within Zones V1–30, V, and VE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1–30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section. (9) Require that recreational vehicles placed on sites within Zones V1–30, V, and VE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1–30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1–30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall: (1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section. (2) Adopt the official map or legal description of those areas within Zones AR, AR/A1–30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in §59.1 in accordance with the eligibility procedures under §65.14. (3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less: (i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and (ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section. (4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet: (i) Determine the AR base flood elevation; and (ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section. (5) For all new construction of structures in areas within Zone AR/A1–30, AR/AE, AR/AH, AR/AO, and AR/A: (i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section; (ii) Determine the base flood elevation or flood depth for the underlying A1–30, AE, AH, AO and A Zone; and (iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section. (6) For all substantial improvements to existing construction within Zones AR/A1–30, AR/AE, AR/AH, AR/AO, and AR/A: (i) Determine the A1–30 or AE, AH, AO, or A Zone base flood elevation; and (ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section. (7) Notify the permit applicant that the area has been designated as an AR, AR/A1–30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation. [41 FR 46975, Oct. 26, 1976] Editorial Note: For Federal Register citations affecting §60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.</p>

Page Number	Section	Title	Legal Authority	Legal Text
33	405	Elevation and Floodproofing Certificates (C)	No-rise Policy	
33	405	Elevation and Floodproofing Certificates (D)	ARS §48-3603G	G. The board shall keep a proper written record of all of its proceedings, which shall be open to public inspection.
34	406	Allowed Uses	ARS §48-3609H	H. Unless expressly provided, this article and any regulations adopted pursuant to this article do not affect: 1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months or destroyed to the extent of fifty per cent of its value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the district. 2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984 or on the date any regulations affecting such property take effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty per cent or more shall be either flood proofed or elevated to or above the regulatory flood elevation. 3. Reasonable repair of structures constructed with the written authorization required by section 48-3613. 4. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to title 40, chapter 2, article 6.2.
34	406	Allowed Uses (3)	ARS §48-3613	Authorization required for development in watercourses; exceptions; enforcement A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located. B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision. C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment. D. In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this article. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.
35	407	Exemptions: Review of Plans (A)	ARS §48-3609H	H. Unless expressly provided, this article and any regulations adopted pursuant to this article do not affect: 1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months or destroyed to the extent of fifty per cent of its value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the district. 2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984 or on the date any regulations affecting such property take effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty per cent or more shall be either flood proofed or elevated to or above the regulatory flood elevation. 3. Reasonable repair of structures constructed with the written authorization required by section 48-3613. 4. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to title 40, chapter 2, article 6.2.
35	407	Exemptions: Review of Plans (A)	ARS §48-3613B	B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

Page Number	Section	Title	Legal Authority	Legal Text
35	407	Exemptions: Review of Plans (A)	ARS §48-3613B	B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.
35	407	Exemptions: Review of Plans (A)	ARS §48-3613C	C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment.
36	408	Personal Liability	ARS §48-3615	Violation; classification; civil penalties; strict liability A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613. B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor. C. A person who violates this chapter or rules adopted pursuant to this chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor. Each day the violation continues constitutes a separate violation. D. A person who without written authorization from the board of directors damages or interferes with a facility that is owned, operated or otherwise under the jurisdiction of the district is strictly liable for both of the following: 1. Any actual damages to persons or property that is caused by the damage or interference. 2. Payment of costs to the district for remediating the damage or interference.
36	409	Appeals	ARS §48-3612B	B. Appeals to the review board may be taken by any person who feels that there is error or doubt in the interpretation of the regulation or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal.
36	409	Appeals (A)	ARS §48-3642	Regulatory bill of rights To ensure fair and open regulation by districts, a person: 1. Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against a district in a court proceeding regarding a district decision as provided in section 12-348. 2. Is entitled to receive information and notice regarding inspections as provided in section 48-3643. 3. Is entitled to have a district not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized as provided in section 48-3644. 4. May have a district approve or deny the person's license application within a predetermined period of time as provided in section 48-3645. 5. Is entitled to receive written or electronic notice from a district on denial of a license application: (a) That justifies the denial with references to the statute, ordinance, regulation, executive order, delegation agreement or authorized substantive policy statement on which the denial is based as provided in section 48-3645. (b) That explains the applicant's right to appeal the denial as provided in section 48-3645. 6. Is entitled to receive information regarding the license application process at the time the person obtains an application for a license as provided in section 48-3646. 7. May inspect all ordinances, regulations and substantive policy statements of a district, including a directory of documents, at the office of the district or a district website as provided in section 48-3647. 8. Unless specifically authorized, may expect districts to avoid duplication of other laws that do not enhance regulatory clarity and to avoid dual permitting to the maximum extent practicable as provided in section 48-3644. 9. May file a complaint with the board of review concerning an ordinance, regulation or substantive policy statement that fails to comply with this section.
36	409	Appeals (D)	ARS §48-3615.01C	C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action.
36	409	Appeals (F)	ARS §48-3612C	C. A person aggrieved in any manner by an action of the review board may within thirty days appeal to the district board.
36	409	Appeals (G)	ARS §48-3604E	E. A party aggrieved by action of the board in establishing a zone may bring an action in the superior court in the county in which the area of jurisdiction is located to set aside the action of the board. The action shall be heard in a trial de novo. The action must be instituted not more than thirty-five days after the last publication or date of posting, whichever is later, of the copy of the resolution establishing the zone.

Page Number	Section	Title	Legal Authority	Legal Text
37	410	Floodplain Variance	44 CFR 60.6	<p>§ 60.6 Variances and exceptions. (a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows: (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result; (2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section; (3) Variances shall only be issued by a community 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, and (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; (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; (5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and (6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator. (7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.</p> <p>(b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in §§60.3, 60.4 or §60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in §§60.3, 60.4, or §60.5, shall explain in writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment. (2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS. (c) A community may propose flood plain management measures which adopt standards for floodproofed residential basements below the base flood level in zones A1-30, AH, AO, and AE which are not subject to tidal flooding. Notwithstanding the requirements of paragraph (b) of this section the Federal Insurance Administrator may approve the proposal provided that: (1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include: (i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots; (ii) Flood velocities that are five feet per second or less; and (iii) Flood warning times that are 12 hours or greater. Flood warning times of two hours or greater may be approved if the community demonstrates that it has a flood warning system and emergency plan in operation that is adequate to ensure safe evacuation of flood plain residents. (2) The community has adopted flood plain management measures that require that new construction and substantial improvements of residential structures with basements in zones A1-30, AH, AO, and AE shall: (i) Be designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention.</p>

Page Number	Section	Title	Legal Authority	Legal Text
				Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet. (ii) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood; (iii) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover; (iv) Have a registered professional engineer or architect develop or review the building's structural design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph; (v) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable. [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36025, Sept. 4, 1985; 51 FR 30308, Aug. 25, 1986; 54 FR 33550, Aug. 15, 1989]
37	410	Floodplain Variance	ARS §48-3603C(16)	16. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 and if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of this article and the regulations will be preserved.
37	410	Floodplain Variance (A)1	ARS §48-3609B(7)	7. Variance procedures to permit variances from the regulations that do not result in danger or damage to persons or property in floodplains in the area of jurisdiction. Variances may be granted only if special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain. A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the floodplain.
37	410	Floodplain Variance (B)	ARS §48-3612A(2)	2. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of this article and the regulations will be preserved.
37	410	Floodplain Variance (B)1b	ARS §48-3609B(7)	7. Variance procedures to permit variances from the regulations that do not result in danger or damage to persons or property in floodplains in the area of jurisdiction. Variances may be granted only if special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain. A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the floodplain.
37	410	Floodplain Variance (B)2	44 CFR 60.6	§ 60.6 Variances and exceptions. (a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows: (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result; (2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section; (3) Variances shall only be issued by a community 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, and (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; (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; (5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and (6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator. (7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Page Number	Section Title	Legal Authority	Legal Text
			<p>(b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in §§60.3, 60.4 or §60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in §§60.3, 60.4, or §60.5, shall explain in writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment. (2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS. (c) A community may propose flood plain management measures which adopt standards for floodproofed residential basements below the base flood level in zones A1–30, AH, AO, and AE which are not subject to tidal flooding. Notwithstanding the requirements of paragraph (b) of this section the Federal Insurance Administrator may approve the proposal provided that: (1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include: (i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots; (ii) Flood velocities that are five feet per second or less; and (iii) Flood warning times that are 12 hours or greater. Flood warning times of two hours or greater may be approved if the community demonstrates that it has a flood warning system and emergency plan in operation that is adequate to ensure safe evacuation of flood plain residents. (2) The community has adopted flood plain management measures that require that new construction and substantial improvements of residential structures with basements in zones A1–30, AH, AO, and AE shall: (i) Be designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet. (ii) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood; (iii) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood.</p> <p>Fill must be compacted with slopes protected by vegetative cover; (iv) Have a registered professional engineer or architect develop or review the building's structural design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph; (v) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable. [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36025, Sept. 4, 1985; 51 FR 30308, Aug. 25, 1986; 54 FR 33550, Aug. 15, 1989]</p>
37	410 Floodplain Variance (B)2	ARS §48-3609B(7)	<p>7. Variance procedures to permit variances from the regulations that do not result in danger or damage to persons or property in floodplains in the area of jurisdiction. Variances may be granted only if special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain. A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the floodplain.</p>
38	411 Recordation and Notification (A)	ARS §48-3603G	G. The board shall keep a proper written record of all of its proceedings, which shall be open to public inspection.
38	411 Recordation and Notification (C)	ARS §48-3603C(22)	22. Adopt and enforce civil penalties for violations of its regulations or ordinances and for unauthorized damage and interference to those district facilities that are authorized pursuant to this chapter.

Page Number	Section	Title	Legal Authority	Legal Text
38	411	Recordation and Notification (C)	ARS §48-3615.01	<p>Notice of violation; hearing; final decision; civil penalty; injunctive relief A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated. B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer. 2. Deny the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter. C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action. D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances. E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation. F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty.</p> <p>G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order. H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time. I. The chief engineer may designate another person to carry out the chief engineer's powers and duties prescribed by this section and that designee is authorized to take all actions prescribed by this section in place of the chief engineer.</p>
33	500	ALLOWABLE DEVELOPMENT	ARS §48-3603C(16)	<p>16. Allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by section 48-3609, subsection B, paragraph 7 and if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of this article and the regulations will be preserved.</p>

Page Number	Section	Title	Legal Authority	Legal Text
33	500	ALLOWABLE DEVELOPMENT	ARS §48-3604	Establishing zones in the district A. The board may divide the area of jurisdiction into two or more zones, the boundaries of which shall be described in a resolution adopted at a hearing held pursuant to subsection C. B. The board may alter the boundary lines of any previously established zone or zones pursuant to subsection C. C. Before establishing zones or altering their boundary lines, the board shall fix a date for a hearing, which shall be not less than twenty-one days nor more than forty days from the date of the resolution. Any interested citizen may appear at the hearing and be heard on any matter relating to the reasonableness of establishing the zones. Notice of the hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation in the area of jurisdiction and zone and shall be posted in not less than thirty public places in the zone. The posting and the first date of the publications shall be not less than three weeks before the date of the hearing. D. The board shall meet at the time and place fixed for the hearing and may adjourn the hearing from time to time. At the hearing any interested owner of real property in the proposed zone may appear and be heard on any matter relating to the establishment of the zone and may allege that his real property in the proposed zone will not be benefited by the proposed improvements. If after the hearing it appears to the board that the establishment of the zone is necessary and desirable to carry out the objects and purposes of the district in the proposed zone and that all property in the zone will benefit by the establishment of the zone, the board shall establish the zone. If the board determines that any property in the proposed zone is not benefited, it shall delete the property from the zone. Thereupon the board shall adopt a resolution establishing the zone and shall file with the county recorder, the county assessor and the department of revenue a certified copy of the resolution and a map showing the zone and its boundaries. The board shall publish a copy of the resolution once a week for three consecutive weeks in a newspaper of general circulation in the area of jurisdiction and zone and shall post a copy of the resolution in not less than thirty public places in the zone. E. A party aggrieved by action of the board in establishing a zone may bring an action in the superior court in the county in which the area of jurisdiction is located to set aside the action of the board. The action shall be heard in a trial de novo. The action must be instituted not more than thirty-five days after the last publication or date of posting, whichever is later, of the copy of the resolution
33	500	ALLOWABLE DEVELOPMENT	ARS §48-3609	*Floodplain delineation; regulation of use; federal requirements and definitions
39	501	Zone AE Floodway (A)	44 CFR 60.3 (b)(4)	(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;
40	502	Zone AE (6)	ARS §48-3609H	H. Unless expressly provided, this article and any regulations adopted pursuant to this article do not affect: 1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months or destroyed to the extent of fifty per cent of its value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the district. 2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984 or on the date any regulations affecting such property take effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty per cent or more shall be either flood proofed or elevated to or above the regulatory flood elevation. 3. Reasonable repair of structures constructed with the written authorization required by section 48-3613. 4. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to title 40, chapter 2, article 6.2.
43	601	General Development Standards	ARS §48-3613A	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.
43	601	General Development Standards (A)	Executive order 11988 sec3 (b)	
43	601	General Development Standards (A)3	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
43	601	General Development Standards (A)8	ARS §48-3603C(20)a	(a) Assistance for property owners within the floodplain and through the elevation, bank stabilization and flood proofing of existing structures.
43	601	General Development Standards (A)13	44 CFR 60.3 (c)(14)	(14) Require that recreational vehicles placed on sites within Zones A1–30, AH, and AE on the community's FIRM either (i) Be on the site for fewer than 180 consecutive days, (ii) Be fully licensed and ready for highway use, or (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for “manufactured homes” in paragraph (c)(6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
43	601	General Development Standards (B)	ARS §48-3609B(5)b	5. Regulations to allow a mobile home located in a floodplain on August 3, 1984 to be replaced by another mobile home if: (a) The mobile home to be replaced was not damaged by a flood to more than fifty per cent of its value before the flood. (b) The replacement mobile home is elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation.
43	601	General Development Standards (B)	ARS §48-3609B(6)	6. Regulations that require all new placement of mobile homes to be anchored to prevent flotation, collapse or movement.
43	601	General Development Standards (C)	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
43	601	General Development Standards (C)4	ARS §48-3609D	D. Water supply, water treatment and sewage collection and disposal systems built in a regulatory floodplain shall be designed to prevent or minimize floodwater infiltrating the systems and to prevent or minimize floodwater contamination during the base flood.

Page Number	Section	Title	Legal Authority	Legal Text
43	601	General Development Standards (C)6	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
43	601	General Development Standards (C)6	ARS §48-3613	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.
43	601	General Development Standards (C)6	No-rise Policy	
43	601	General Development Standards (E)	ARS §48-3603C(13)	13. Adopt such rules and bylaws for its orderly operation as it sees fit.
43	601	General Development Standards (E)1b	ARS §48-3603C(13)	13. Adopt such rules and bylaws for its orderly operation as it sees fit.
43	601	General Development Standards (E)1b	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
43	601	General Development Standards (G)	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
43	601	General Development Standards (G)2	44 CFR 60.3 (b)(5)(i)	(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:
48	602	AE Floodway (A)	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
48	602	AE Floodway (A)	No-rise Policy	
48	602	AE Floodway (A)4	ARS §49-772A(2)	2.Any part of that facility is within one-half mile of a one hundred-year floodplain that has one hundred year flows in excess of twenty-five thousand cubic feet per second, as determined by the federal emergency management agency, except for a site used for any of the following activities: (a)Reclamation of land through the introduction of landscaping rubble or inert material. (b)Material produced in connection with a mining or mineral processing operation. (c)Agricultural on-site disposal as provided in section 49-766. (d)Solid waste transfer or recycling or any other use that does not involve treatment or disposal of solid waste. (e Receipt of solid waste for application to agricultural land as fertilizer or other beneficial soil amendment. (f)The storage, treatment or processing of solid waste at a site that is not open to the general public and that is in existence on October 9. 1993.
48	602	AE Floodway (A)4	ARS §49-772C	C. In addition to siting requirements established pursuant to subsection A of this section, owners and operators of new and existing solid waste landfills that are not municipal solid waste landfills and that are located in a one hundred-year floodplain shall demonstrate in the facility plan that the facility will not restrict the flow of the one hundred-year flood, reduce the temporary water storage capacity of the floodplain or result in a washout of solid waste so as to pose a hazard to human health and the environment.
48	602	AE Floodway (B)	ARS §48-3609B	B. Except as provided in section 48-3610, the board shall adopt and enforce regulations governing floodplains and floodplain management in its area of jurisdiction which shall include the following: 1. Regulations for all development of land, construction of residential, commercial or industrial structures or uses of any kind which may divert, retard or obstruct floodwater and threaten public health or safety or the general welfare. 2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any. 3. Regulations which provide for coordination by the district with all other interested and affected political subdivisions and state agencies. 4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood. 5. Regulations to allow a mobile home located in a floodplain on August 3, 1984 to be replaced by another mobile home if: (a) The mobile home to be replaced was not damaged by a flood to more than fifty per cent of its value before the flood. (b) The replacement mobile home is elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation. 6. Regulations that require all new placement of mobile homes to be anchored to prevent flotation, collapse or movement. 7. Variance procedures to permit variances from the regulations that do not result in danger or damage to persons or property in floodplains in the area of jurisdiction. Variances may be granted only if special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain. A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the floodplain.
48	602	AE Floodway (B)	No-rise Policy	

Page Number	Section	Title	Legal Authority	Legal Text
48	602	AE Floodway (B)4	ARS §48-3609.01	Watercourse master plans; definition (L04, Ch. 321, sec. 2. Eff. until 10/1/11) A. If a district organized pursuant to this chapter has completed a watercourse master plan which includes one or more watercourses, and if the plan has been adopted by the board or by any other jurisdiction in that river or drainage system, the board and the governing body of each jurisdiction may adopt and shall enforce uniform rules for that river or drainage system within the jurisdiction using criteria that meet or exceed criteria adopted by the director of water resources pursuant to section 48-3605, subsection A. B. During the preparation of a watercourse master plan, record owners of real property in and immediately contiguous to the watercourse or watercourses included in the planning shall be publicly notified by the board or its agents so that the owners may have input to the planning process. In addition, aggregate mining operations recommendation committees organized pursuant to section 11-830, subsection D, if any, shall be notified. C. All watercourse master plans shall consider recharge techniques including gabions, swales, dry wells, sand tanks and small dams. D. This section does not apply to any city or town which has adopted a resolution assuming floodplain management and regulation within its area of jurisdiction as provided in section 48-3610 prior to July 1, 1990. E. A district that has prepared a watercourse master plan for a river may participate in the planning, establishment and operation of a recreational corridor channelization district established pursuant to chapter 35 of this title. F. For the purposes of this section, "watercourse master plan" means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages and that establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.
48	602	AE Floodway (B)5	ARS §48-3603C(20)	20. Either alone, or by entering into any combination of contracts with this state, the United States, any other flood control district, a floodplain board, a municipality or other political subdivision, a government agency, an irrigation or agricultural improvement district or an association, corporation or individual, implement flood control enhancement solutions including: (a) Assistance for property owners within the floodplain and through the elevation, bank stabilization and flood proofing of existing structures. (b) Preservation and restoration of the floodplain. (c) Maintenance of flood warning systems and associated flood response plans.
51	603	Zone AE	ARS §48-3609B(4)	4. Regulations that require any residential structure built in a floodplain to be constructed so as to place the lowest floor elevation of the structure at or above the regulatory flood elevation, that require commercial or industrial structures to be flood proofed or elevated to or above the regulatory flood elevation and that prohibit any activity in a designated floodway, including fill, that would increase the water surface elevation during a base flood.
55	614	Zone A Alluvial Fan (4)	ARS §48-3609B(2)	2. Regulations which establish minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage. Regulations adopted under this section shall comply with state and local land use plans and ordinances, if any.
56	615	Development Standards within Other Flood Hazard Areas	ARS §48-3603	*Powers, duties and immunities of district and board; exemptions
56	615	Development Standards within Other Flood Hazard Areas	ARS §48-3609A	A. Except as provided in section 48-3610, the board within its area of jurisdiction shall delineate or may by rule require developers of land to delineate for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the director of water resources.
58	701	Authority	ARS §48-3603D	D. The board shall adopt and enforce floodplain regulations as provided in section 48-3609.
58	701	Authority	ARS §48-3609	*Floodplain delineation; regulation of use; federal requirements and definitions
58	701	Authority	ARS §48-3613	Authorization required for development in watercourses; exceptions; enforcement A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located. B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision. C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment. D. In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this article. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.

Page Number	Section	Title	Legal Authority	Legal Text
58	701	Authority	ARS §48-3614	Declaration of public nuisance; abatement All development located or maintained in a floodplain since August 8, 1973 in violation of this article or of floodplain regulations established by the board and without written authorization from the board is a public nuisance per se and may be abated, prevented or restrained by action of this state or any of its political subdivisions.
58	701	Authority	ARS §48-3615	Violation; classification; civil penalties; strict liability A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613. B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor. C. A person who violates this chapter or rules adopted pursuant to this chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor. Each day the violation continues constitutes a separate violation. D. A person who without written authorization from the board of directors damages or interferes with a facility that is owned, operated or otherwise under the jurisdiction of the district is strictly liable for both of the following: 1. Any actual damages to persons or property that is caused by the damage or interference. 2. Payment of costs to the district for remediating the damage or interference.
58	701	Authority	ARS §48-3615.01	Notice of violation; hearing; final decision; civil penalty; injunctive relief A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated. B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer. 2. Deny the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter. C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action. D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances. E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation. F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty. G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order. H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time. I. The chief engineer may designate another person to carry out the chief engineer's powers and duties prescribed by this section and that designee is authorized to take all actions prescribed by this section in place of the chief engineer.
58	701	Authority	ARS §48-3622	Permission required to connect to storm water drain; fee; violation; classification A person desiring to make a connection to any storm water drain of a flood control district or to cause floodwaters or storm or other waters to be emptied into any ditch or drain of the district shall first apply to the district for permission to make the connection. The district may require the connection to be made in such manner as it directs and may impose reasonable conditions and such reasonable connection fee as it deems proper or, if reasonably justified by the circumstances, may refuse permission. In addition, the district may require any action or impose any restriction that the district considers reasonably necessary to meet the district's obligations, if any, to comply with local, state or federal water quality laws. A person making a connection which causes floodwaters to be so discharged without first having obtained permission is guilty of a class 2 misdemeanor.

Page Number	Section	Title	Legal Authority	Legal Text
58	701	Authority	ARS §48-3626	Compliance; enforcement If any board, district or governing body fails to comply with or violates the requirements of this article, the attorney general shall take prompt and appropriate legal action to compel compliance by the jurisdiction and its elected officials. The attorney general may, in his discretion, seek the following remedies under this section: 1. An order compelling the offending jurisdiction and its elected officials to comply with the requirements of this article or cease the violation. 2. An order vesting the powers and duties under this article in the district in the event that an incorporated city or town has assumed the powers and duties pursuant to section 48-3610.
58	702	Violation	ARS §48-3615A	A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613.
58	702	Violation	ARS §48-3615A	A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613.
58	702	Violation (A)1	ARS §48-3613	Authorization required for development in watercourses; exceptions; enforcement A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located. B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision. C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment. D. In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this article. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.
58	702	Violation (A)1	ARS §48-3615A	A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613.
58	702	Violation (A)2	ARS §48-3615B	B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor.
58	702	Violation (A)3	ARS §48-3613A	A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.

Page Number	Section	Title	Legal Authority	Legal Text
58	702	Violation (B)	ARS §48-3615.01	<p>Notice of violation; hearing; final decision; civil penalty; injunctive relief A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated. B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer. 2. Deny the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter. C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action. D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances. E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation.</p> <p>F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty. G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order. H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time. I. The chief engineer may designate another person to carry out the chief engineer's powers and duties prescribed by this section and that designee is authorized to take all actions prescribed by this section in place of the chief engineer.</p>
58	702	Violation (C)	42 USC 4023	<p>Sec. 4023. Properties in violation of State and local law No new flood insurance coverage shall be provided under this chapter for any property which the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas. (Pub. L. 90-448, title XIII, Sec. 1316, Aug. 1, 1968, 82 Stat. 580; Pub. L. 98-181, title IV, Sec. 451(d)(1), Nov. 30, 1983, 97 Stat. 1229.)</p>
59	703	Enforcement (A)1	ARS §48-3603C(25)	<p>25. Establish a board of hearing review to review decisions of hearing officers that are issued pursuant to section 48-3615.01. The board of hearing review shall consist of one member from each board of directors' district or the board of directors may authorize the citizens' flood control advisory board or the board of review to designate a like number of its members to serve as the board of hearing review.</p>

Page Number	Section	Title	Legal Authority	Legal Text
59	703	Enforcement (A)1a	ARS §48-3613	Authorization required for development in watercourses; exceptions; enforcement A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any watercourse without securing written authorization from the board of the district in which the watercourse is located. Where the watercourse is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located. B. Written authorization is not required for nor shall the board prohibit: 1. The construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse. 2. The construction of storage dams for watering livestock or wildlife and structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by title 45, chapter 6. 3. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in a watercourse from complying with and acquiring authorization from the board pursuant to regulations adopted by the board under this article. 4. Other construction if it is determined by the board that written authorization is unnecessary. 5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this article. 6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. 7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision. C. Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the board for review and comment. D. In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this article. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.
59	703	Enforcement (A)2	ARS §48-3603D	D. The board shall adopt and enforce floodplain regulations as provided in section 48-3609.
59	703	Enforcement (B)	ARS §48-3615.01	Notice of violation; hearing; final decision; civil penalty; injunctive relief A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated. B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer. 2. Deny the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter. C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action. D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances.

Page Number	Section	Title	Legal Authority	Legal Text
				E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation. F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty. G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order. H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time. I. The chief engineer may designate another person to carry out the chief engineer's powers and duties prescribed by this section and that designee is authorized to take all actions prescribed by this section in place of the chief engineer.
59	704	Service of Notice of Violation (A)	ARS §48-3615.01B	B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer.
59	704	Service of Notice of Violation (B)	ARS §48-3615.01A	A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated.
60	705	Response to the Notice of Violation (1)	ARS §48-3615.01B(1)a	(a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation.
60	705	Response to the Notice of Violation (2)	ARS §48-3615.01B(1)b	(b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer.
60	705	Response to the Notice of Violation (3)	ARS §48-3615.01B(2)a	(a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation.
60	705	Response to the Notice of Violation (3)	ARS §48-3615.01B(2)b	(b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter.
60	706	Hearing Request	ARS §48-3615.01C	C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action.
61	707	Hearing Procedures	ARS §48-3615.01D	D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances.
61	707	Hearing Procedures (C)3	ARS §48-3615.01F	F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty.
61	707	Hearing Procedures (B)	ARS §48-3615.01E	E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation.

Page Number	Section	Title	Legal Authority	Legal Text
61	707	Hearing Procedures (D)	ARS §48-3615.01	<p>Notice of violation; hearing; final decision; civil penalty; injunctive relief A. If the chief engineer finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to this chapter without written authorization of the board of directors, the chief engineer shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the board. The notice of violation shall include the date, time and place where the person responding to the notice of violation may appear to show cause why the notice of violation should be vacated. B. On receipt of the notice of violation, the person may: 1. Admit the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at a time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person in which the person admits the allegations, agrees to acquire any required permit and agrees to remedy the violation, damage or interference in accordance with the terms determined by the chief engineer. 2. Deny the allegations by doing either of the following: (a) Appearing in person, by attorney or by another designated representative at the time and location given in the notice of violation. (b) Mailing or delivering to the chief engineer a form provided with the notice of violation or a written statement signed by the person denying the allegations and requesting a hearing on the matter. C. On request for a hearing, the hearing officer shall set a date, time and place for a hearing and serve a notice of hearing on the person alleged to be in violation and provide a notice of the hearing to the chief engineer. Service of notice shall be by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the alleged violator, the chief engineer and every other party to the action. D. The hearing officer shall be appointed by the board of directors and may be an employee of the district. Decisions of the hearing officer or by the board of hearing review shall be available to any party to the hearing. The board of directors shall adopt written rules of procedure for the hearing and review of hearings. These rules shall be adopted in the same manner as floodplain ordinances.</p> <p>E. At the hearing, a representative of the district shall present evidence of the violation described in the notice of hearing. The county attorney may present evidence on behalf of the district. The noticed party or attorney or other designated representative shall be given the opportunity to present evidence at the hearing. After completion of the hearing, the hearing officer shall issue a written finding, a recommendation for the appropriate measures to be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of any civil penalties attributed to the violation. F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty. G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order. H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time. I. The chief engineer may designate another person to carry out the chief engineer's powers and duties prescribed by this section and that designee is authorized to take all actions prescribed by this section in place of the chief engineer.</p>
61	707	Hearing Procedures (E)	ARS §48-3615.01F	F. The hearing officer's written finding shall be submitted to the chief engineer and the noticed party within thirty days after the date of the hearing. On receipt of the hearing officer's findings, determination and recommendation, the chief engineer shall issue a final decision and order. The chief engineer's final decision and order may be in any form as adopted by the board of directors pursuant to its authority under this chapter and may include a determination of violation, an order directing that measures be taken to abate or ameliorate any harm or damage arising from the violation and the imposition of a civil penalty.
61	707	Hearing Procedures (F)	ARS §48-3615.01G	G. On written request of any party who is subject to the decision and order of the chief engineer pursuant to this section, the board of hearing review may review any decision and order of the chief engineer. The written request for review shall be delivered to the clerk of the board of directors within fifteen days after the date of the final decision and order.
63	708	Penalties	ARS §48-3615	<p>Violation; classification; civil penalties; strict liability A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by section 48-3613. Where the watercourse is a delineated floodplain it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by section 48-3613. B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor. C. A person who violates this chapter or rules adopted pursuant to this chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor. Each day the violation continues constitutes a separate violation. D. A person who without written authorization from the board of directors damages or interferes with a facility that is owned, operated or otherwise under the jurisdiction of the district is strictly liable for both of the following: 1. Any actual damages to persons or property that is caused by the damage or interference. 2. Payment of costs to the district for remediating the damage or interference.</p>
63	708	Penalties (2)	ARS §48-3615C	C. A person who violates this chapter or rules adopted pursuant to this chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor. Each day the violation continues constitutes a separate violation.

Page Number	Section	Title	Legal Authority	Legal Text
63	709	Abatement (B)1	ARS §48-3615.01H	H. If the person alleged to be in violation continues the violation after the chief engineer has issued a final decision and order or after the board of hearing review has completed its review pursuant to this section, the chief engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court according to the Arizona rules of civil procedure. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator. The remedies prescribed by this section are cumulative and do not prevent the district from seeking injunctive relief at any time.
66		FEE SCHEDULE	ARS §48-3603E	E. The board may adopt a fee schedule for review of applications for permits and variances from or interpretations of the floodplain regulations.