

Town of Bear River Flood Damage Prevention Resolution 2001-012

WHEREAS, Certain areas of the Town of Bear River are subject to periodic flooding, mudslides (i.e., mudflows), or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Town Council to require the recognition and evaluation of flood, mudslide (i.e., mudflow), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Wyoming State law.


NOW, THEREFORE, BE IT RESOLVED, that this Town Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact, as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with effective enforcement provision consistent with the criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and
2. Vests the Director of Emergency Management with the responsibility, authority, and the means to:
 - (a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

- (e) Upon occurrence, notify the 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 floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps and Flood Insurance Rate Maps 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 floodplain management regulatory authority.
3. Appoints the Director of Emergency Management to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood proofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date of Adoption: 9/11/2001

Certification:



(Pete Moesser, Mayor, Bear River)



(Ronald Hornibrook, Councilman)

TOWN OF BEAR RIVER
FLOOD DAMAGE PREVENTION ORDINANCE 2001-05

Adopted: September 11, 2001
Effective: September 11, 2001

CERTIFICATION

It is hereby found and declared by the Town of Bear River, Wyoming, that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

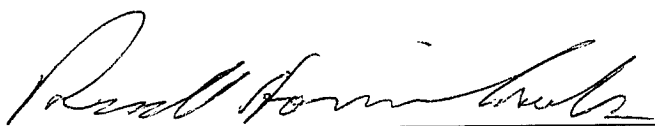
APPROVED:



Pete Moesser, Mayor, Bear River, Wyoming

PASSED: September 11, 2001

I, the undersigned, Ronald Hornibrook, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Town of Bear River, Wyoming, at a regular meeting duly convened on September 11, 2001.



Ronald Hornibrook, Councilman, Bear River, Wyoming

TABLE OF CONTENTS

| <u>Section No.</u> | <u>Subject</u> | <u>Page No.</u> |
|---|--|-----------------|
| CHAPTER I STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES | | |
| 1 | Statutory Authorization | 1 |
| 2 | Findings of Fact | 1 |
| 3 | Statement of Purpose | 1 |
| 4 | Methods of Reducing Flood Losses | 2 |
| CHAPTER II DEFINITIONS | | |
| 1 | Definitions | 2 |
| CHAPTER III GENERAL PROVISIONS | | |
| 1 | Lands to Which This Ordinance Applies | 5 |
| 2 | Basis for Establishing The Area of Special Flood Hazard | |
| 3 | Compliance | 5 |
| 4 | Abrogation and Greater Restrictions | 5 |
| 5 | Interpretation | 5 |
| 6 | Warning and Disclaimer of Liability | 5 |
| CHAPTER IV ADMINISTRATION | | |
| 1 | Establishment of Use Certificate Permit | 6 |
| 2 | Designation of Responsible Office | 6 |
| 3 | Responsibilities | 6 |
| 4 | Variance Procedure | 7 |
| CHAPTER V PROVISIONS FOR FLOOD HAZARD REDUCTION | | |
| 1 | General Standards | 10 |
| 2 | Specific Standards | 11 |
| 3 | Floodways | 12 |

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

Section 1. Statutory Authorization: The Legislature of the State of Wyoming has in Section 18-5-201, Wyoming Statutes 1977 as amended, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council of the Town of Bear River, Wyoming, does resolve as follows:

Section 2. Findings of Fact:

- a. The flood hazard areas of the Town of Bear River are subject to periodic inundation which results in loss of life or property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all which adversely affect the public health, safety and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Section 3. Statement of Purpose: It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as electric, telephone and sewer lines, roads and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that the property is in an area of special hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 4. METHODS OF REDUCING FLOOD LOSSES: In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

- b. Requiring that uses vulnerable to floods, including facilities which such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate of channel flood waters;
- d. Control of filling, grading dredging, and other development which will unnaturally divert flood water or which may increase flood hazards in other areas; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards in other areas.

CHAPTER II
DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

DEVELOPMENT - means any man-made change in improved and 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.

ELEVATED BUILDING - means for insurance purposes, a nonbasement building which has its lowest floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

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

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

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

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

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

FLOODPLAIN MANAGEMENT - means 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.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain 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.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

FLOODWAY (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.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. 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;

2. 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;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or;
 - b) directly by the Secretary of the Interior in states without approved programs.

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

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

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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 requirement of Section 60.3 of the National Flood Insurance Program regulations.

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

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

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management

regulation adopted by a community and includes any subsequent improvements to such structures.

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

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

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 basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

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

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

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

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.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three 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.

CHAPTER III GENERAL PROVISIONS

Section 1. Lands to Which This Ordinance Applies: This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Bear River.

Section 2. Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Uinta County, Wyoming; Unincorporated Areas" dated June 1978, is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at the Uinta County Complex, 225 Ninth Street, Evanston, Wyoming 82930.

Section 3. Compliance: No structure or land located within an identified area of Special Flood Hazard shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this resolution and other applicable regulations.

Section 4. Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another resolution, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 5. Interpretation: In the interpretation and application of this resolution, all provisions shall be:

- a. Consider as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 6. Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Bear River, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

CHAPTER IV ADMINISTRATION

Section 1. Establishment of Use Certificate Permit: A Use Certificate shall be obtained before construction or development begins within any area of special flood hazard established in Chapter III, Section 2. Application for a Use Certificate shall be made on forms furnished by the Town of Bear River Clerk and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions and elevation of the area in

question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the forgoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- b. Elevation in relation to mean sea level to which any structure will be or has been floodproofed;
- c. Certification by a registered professional engineer, architect or other individual deemed by the Director of Emergency Management to be qualified by education and/or experience, that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Chapter V, Section 2.b(1).
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 2. Designation of the Director of Emergency Management: A member of the elected council of the Town of Bear River designated by the Mayor is hereby appointed to administer, and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

Section 3. Duties and responsibilities of the Director of Emergency Management: Duties of the Director of Emergency Management shall include, but not be limited to:

- a. Permit Review
 - (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Chapter V, Section 3.a. are met.
- b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Chapter III, Section 2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Director of Emergency Management shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Chapter V, Section 2..
- c. Information to be Obtained and Maintained.
 - (1) In Zones A and A1-30, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed structures:
 - (a) For all new or substantially improved floodproofed structures:

- (b) Verify and record the actual elevation (in relation to mean sea level) and;
 - (c) Maintain the floodproofing certifications required in subsection 2.b.(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this resolution.

d. Alteration of Watercourses:

- (1) Notify adjacent communities, the Office of the State Planning Coordinator, and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e. Interpretation of FIRM Boundaries: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.

Section 4. Variance Procedure:

a. Appeal Board

- (1) The Town Council of the Town of Bear River shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Town Council of the Town of Bear River shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Emergency Management in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Town Council, or any taxpayer, may appeal such decision to the Third Judicial District Court, as provided in the W.S. 16-3-114.
- (4) In passing upon such applications, the Director of Emergency Management and the Town Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer and electrical systems, roads and bridges.

- (5) Generally, variances may be issued 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, providing items (a-k) in Section 4.a(4), above mentioned, have been fully considered. As the lot size increases the variance increases.
- (6) Upon consideration of the factors of Section 4.a(4), above mentioned and the purposes of this resolution, the Director of Emergency Management may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) The Director of Emergency Management shall maintain the records of all such appeal actions and report any variances to the Federal Emergency Management Agency upon request.

b. Conditions for Variances

- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) 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 (as identified in Section 4.a(4) above) or conflict with existing local laws or resolutions.
- (5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

CHAPTER V PROVISIONS FOR FLOOD REDUCTION

Section 1. General Standards: In all areas of special flood hazards the following standards are required:

a. Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement, by providing over-the-top and frame ties to ground anchors or bolting to a permanent foundation by:
 - (a) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring four additional ties per side; and
 - (b) Frame ties by provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four ties per side; and

- (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- (d) Any additions to the manufactured home shall be similarly anchored.

b. Construction Materials and Methods

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

c. Utilities

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

d. Subdivision Proposals

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

Section 2. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Chapter III, Section 2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Chapter IV, Section 3.b, Use of Other Base Flood Data, the following provisions are required:

a. Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above flood elevation.

b. Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic load and effects of buoyancy; and
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Chapter IV, Section 3.c.
- (4) Where a nonresidential structure is intended to be made watertight below the base flood level, 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 this section.

c. Manufactured Homes

- (1) Manufactured homes shall be anchored in accordance with Section 1.a. as aforementioned.
- (2) All manufactured homes to be placed or substantially improved within Zone A1-30 shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored in an adequately anchored foundation system in accordance with the provisions above.
- (3) No manufactured home shall be placed in a floodway.

Section 3. Floodways: Located within areas of special flood hazard established in Chapter III, Section 2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- a. Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that

encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- b. If Section 3.a, aforementioned, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter V, **PROVISIONS FOR FLOOD HAZARD REDUCTION**.
- c. The placement of any manufactured homes is prohibited.

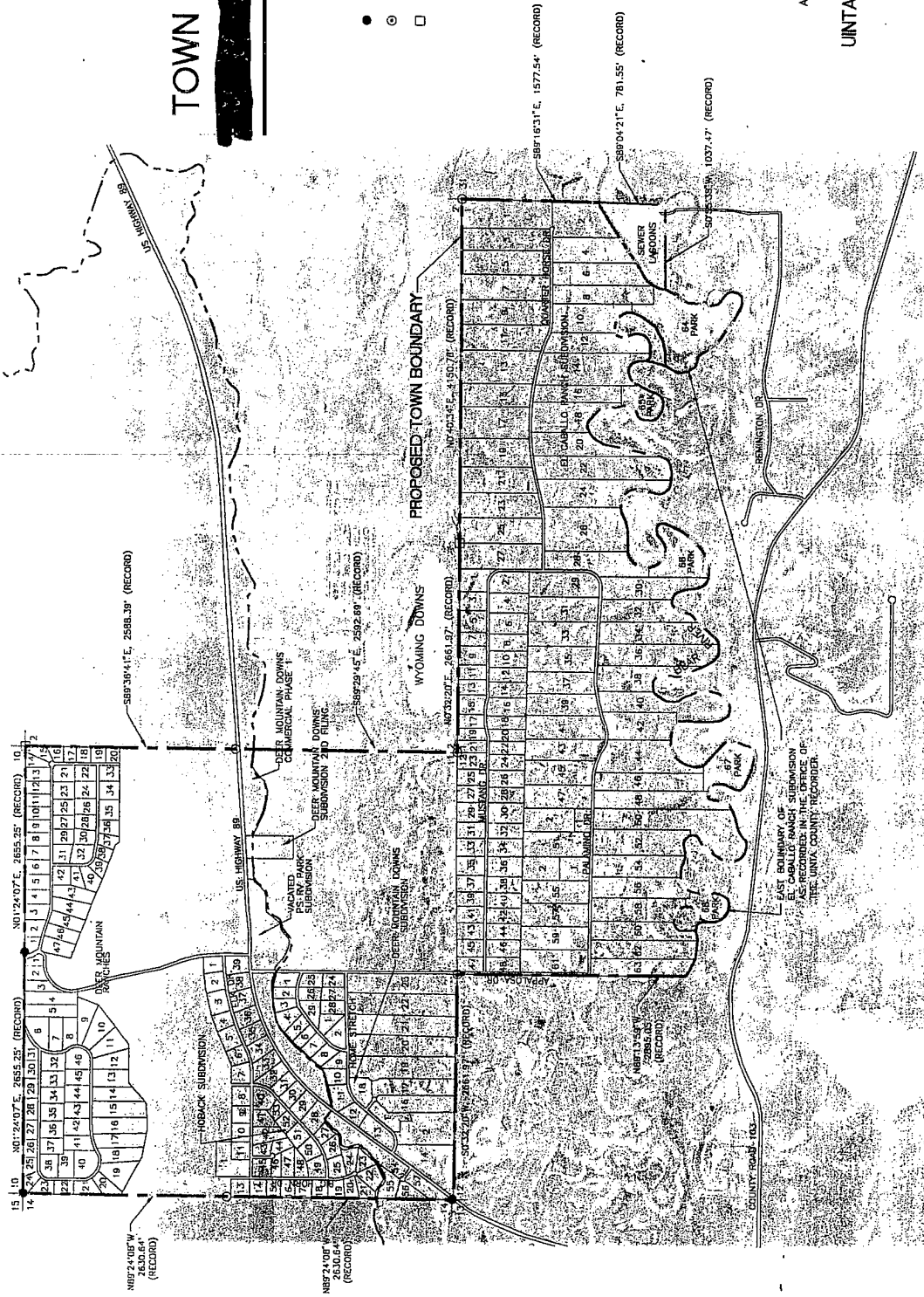
PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1000.00 or imprisoned for not more than 10 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Bear River, Wyoming from taking such other lawful action as is necessary to prevent or remedy any violation.

TOWN OF BEAR RIVER BOUNDARIES

- EXISTING BRASS CAP
- ⊙ EXISTING ALUMINUM CAP
- EXISTING STONE MONUMENT

APPROX. SCALE: 1"=300'
T 16 N, R 121 W
UINTA COUNTY, WYOMING



EAST BOUNDARY OF
TOWNSHIP 16 NORTH
AS RECORDED IN THE OFFICE OF
THE UTAH COUNTY RECORDER