

**RESOLUTION FOR PARTICIPATION  
IN THE FEDERAL FLOOD INSURANCE PROGRAM**

**WHEREAS**, certain areas of Big Horn County are subject to periodic flooding, mudslide (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 County Commission 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 15-1-612 and 15-1-701 through 15-1-709.

**NOW, THEREFORE, BE IT RESOLVED**, that this County 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 the criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and
2. Vests the Big Horn County Planning and Zoning Commission with the responsibility, authority, and 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 areas.
  - (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 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 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 Big Horn County Planning and Zoning Commission 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 floodproofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor ( including basement) of all new or 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 reasonable necessary to carry out the objectives of the program.

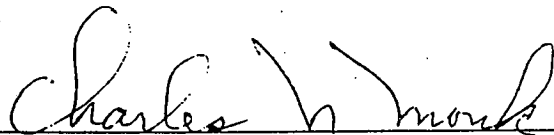
Adopted the 5th Day of March 1997




County Commissioner



County Commissioner



County Commissioner



County Clerk

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FLOOD DAMAGE  
PREVENTION REGULATION

FOR

BIG HORN COUNTY

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ADOPTED

MARCH 5, 1997

## FLOOD DAMAGE PREVENTION ORDINANCE

### SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

#### 1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Wyoming has in 15-1-612 and 15-1-701 through 15-1-709, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Big Horn County Commissioners of Big Horn County, Wyoming does ordain as follows;

#### 1.2 FINDINGS AND FACT

(1) The flood hazard areas of Big Horn County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard 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 flood loss.

#### 1.3 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 to specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;

- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard; and,
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### 1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this resolution includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring the uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or which may increase flood hazards in other areas.

## SECTION 2.0 DEFINITIONS

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

"Area of special flood hazard" means the land in the floodplain subject to one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"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 located within the area of special flood hazard.

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

- (1) the overflow of waters, and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map" means an official map of the community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designation as Zone A.

"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."

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 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 the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SECTION 3.0  
GENERAL PROVISIONS

3.1 LANDS TO WHICH THE RESOLUTION APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Big Horn County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood hazard Boundary Map (FHBM) dated August 2, 1977 is adopted by reference and declared to be a part of this resolution. The FHBM is on file at Big Horn County Planning and Zoning Office.

3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this resolution or other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

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

3.5 INTERPRETATION

In the interpretation of this resolution, all provisions shall be:

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



### 3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution 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 resolution does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on part of Big Horn County, 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 thereunder.

## SECTION 4.0 ADMINISTRATION

### 4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2.

Application for a development permit shall be made on forms furnished by the Big Horn County Planning and Zoning Commission and may include, but not be limited to:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### 4.2 DESIGNATION OF THE BIG HORN COUNTY PLANNING AND ZONING COMMISSION

The Big Horn County Planning and Zoning Commission is hereby appointed to administer and implement this resolution by granting or denying development permit application in accordance with its provisions.

### 4.3 DUTIES AND RESPONSIBILITIES OF THE BIG HORN COUNTY PLANNING AND ZONING COMMISSION

Duties of the Big Horn County Planning and Zoning Commission shall include but not be limited to:

#### 4.3-1 PERMIT REVIEW

- (1) Review all development permits to determine that the permit requirements of this resolution have been satisfied.

(2) Review all development permits to determine that permits have been obtained from those Federal, State and local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of the resolution, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(i) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

(ii) If it is determined that there is an

adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.

(iii) If the proposed development is a building, the provision of this ordinance shall apply.

#### 4.3-2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Big Horn County Planning and Zoning Commission shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 5.2, SPECIFIC STANDARDS.

#### 4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

(1) 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:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

- (ii) Maintain the floodproofing certifications required in Section 4.1(3).

#### 4.3-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities 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.

#### 4.3-5 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 actual field conditions.)

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SECTION 5.0  
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARD

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

5.1-1 ANCHORING

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or literal movement of the structure and capable of resisting hydrostatic and hydrodynamic loads.

(2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use the 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. Specific requirements may be:

(i) 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 50 feet long requiring one additional tie per side.

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(iv) any additions to the manufactured home be similarly anchored.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall 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.

#### 5.1-3 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.

#### 5.1-4 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 development which contain at least 50 lots or 5 acres (whichever is less).

#### 5.1-5 ENCROACHMENTS

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

#### 5.2 SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 4.3-2, Use of Other Base Flood Data, the following standards are required:

#### 5.2-1 RESIDENTIAL CONSTRUCTION

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

#### 5.2-2 NONRESIDENTIAL CONSTRUCTION

(1) New construction and substantial improvement 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:

(a) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 4.3-3(2).

SECTION 6.0  
COMPLIANCE & PENALTIES

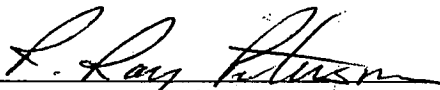
6.1 COMPLIANCE & PENALTIES

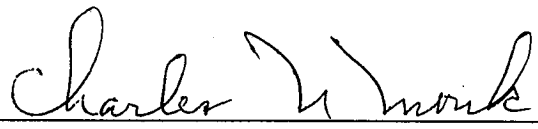
(1) To insure compliance with this Flood Damage Prevention Ordinance, the Big Horn County Commissioners hereby instruct the Big Horn County Planning and Zoning Commission to institute a Compliance Permit System for any change of land use, by individuals or groups; from existing uses and all new structures, manufactured homes, and Substantial improvement to existing structures, or manufactured homes.

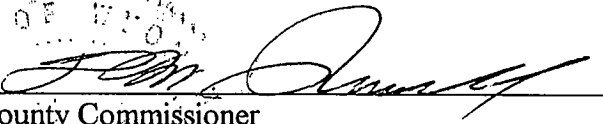
(2) Any person who willfully violates any provision of these regulations, and any person who, as an agent for a subdivider, developer or owner, proceeding without first complying with the provisions of this resolution shall upon conviction be fined not more than five hundred (\$500.00) dollars or be imprisoned in the county jail for not more than thirty (30) days or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

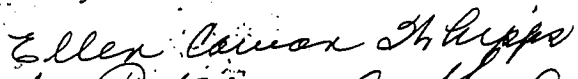
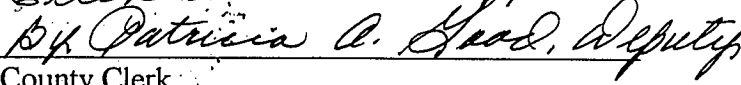
Date of Adoption: March 5, 1997

Certification:

  
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County Commissioner

  
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County Commissioner

  
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County Commissioner

  
  
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County Clerk