

RESOLUTION 97-16 _____

RESOLUTION OF THE CITY OF EVANSTON, WYOMING,
AUTHORIZING THE SUBMISSION OF AN APPLICATION
FOR FLOOD INSURANCE TO THE FEDERAL EMERGENCY
MANAGEMENT AGENCY.

WHEREAS, certain areas of the City of Evanston are subject to periodic flooding, mudslides or flood-related erosion, causing serious damage 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 the governing body of the City of Evanston to require the recognition and evaluation of flood, mudslide or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this governing body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Wyoming Statute 15-1-103.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EVANSTON, WYOMING HEREBY:

Section 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 provisions consistent with the criteria set forth in Section 60.3 of the Nation Flood Insurance Program Regulations; and

Section 2: Vests the City Engineer 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 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 erosions 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.

Section 3: Appoints the City Engineer 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 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.

Section 4: Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Sec. 7-122. Title.

This article shall be known as and cited as "The City of Evanston, Wyoming Flood Damage Prevention Ordinance." (Ord. No. 97-5, § 1 (part).)

Sec. 7-123. Statutory authorization.

The legislature of the state has in Wyoming Statute 15-1-103 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. No. 97-5, § 1 (part).)

Sec. 7-124. Findings of fact.

(a) Flood prone or low lying areas within the

of city. (Ord. No. 85-14, § 1 (part); Ord. No. 89-7, § 1 (part).)

Sec. 7-124. Definitions.

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

corporate limits of the city are subject to periodic inundation which could result 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.

(b) 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 the flood loss. (Ord. No. 97-5, § 1 (part).)

Sec. 7-125. Statement of purpose.

It is the purpose of this article 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:

- (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 water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound 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 property is in an area of special flood hazard; and
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. No. 97-5, § 1 (part).)

Sec. 7-126. Methods of reducing flood losses.

In order to accomplish its purposes, this article 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 in flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities which serve 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 or channel flood waters;

(d) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. No. 97-5, § 1 (part).)

Division 2. Definitions.

Sec. 7-127. General.

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

“Appeal” means a request for a review of the city engineer’s interpretation of any provisions of this article or a request for a variance.

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

“Base flood” means the flood having a one percent chance of being equalled 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.

"Existing manufactured home park or subdivision" means a manufactured home park 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) are completed before the effective date of the ordinance codified in this article.

"Expansion to 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 waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means an official map of the community on which the Federal Emergency Management Agency has delineated areas of special flood hazards and the risk premium zones.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"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 one foot.

"HUD manufactured home" means a dwelling that has been constructed in compliance with the HUD manufactured home standards.

"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 this article.

"Manufactured home" or "manufactured housing" means a factory-built structure. "Manufactured housing" does not include a panel, kit or component house or structure which does not utilize or incorporate a marriage wall. "Manufactured housing" may be used for residential, educational, commercial and industrial use.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the original ordinance 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 these floodplain management regulations.

"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.

"Residential dwelling" means a building or portion thereof designed exclusively for residential occupancy, including one family and multiple family, but not including hotels, motels, boarding or lodging houses.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the

permit date. The actual start means 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, footing, 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 or manufactured home that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the costs of restoring the structure to its before damaged condition would equal or exceed fifty 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 fifty 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.”

“Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this article. (Ord. No. 97-5, § 1 (part); Ord. No. 98-19, §§ 2—4.)

Division 3. General Provisions.

Sec. 7-128. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the city. (Ord. No. 97-5, § 1 (part).)

Sec. 7-129. 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 Insurance Rate Map (FIRM) dated January 15, 1988, is adopted by reference and declared to be a part of this article. The FIRM is on file at 1200 Main Street, Evanston, Wyoming. (Ord. No. 97-5, § 1 (part).)

Sec. 7-130. Compliance.

No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this article and other applicable regulations. (Ord. No. 97-5, § 1 (part).)

Sec. 7-131. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 97-5, § 1 (part).)

Sec. 7-132. Interpretation.

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

- (a) Considered 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. (Ord. No. 97-5, § 1 (part).)

Sec. 7-133. Warning and disclaimer of liability.

The degree of flood protection required by this article 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 article 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 article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. (Ord. No. 97-5, § 1 (part).)

Division 4. Administration.

Sec. 7-134. 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 7-129.

Application of a development permit shall be made on forms furnished by the city engineer and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. 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 has been floodproofed;
- (c) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 7-139; and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. 97-5, § 1 (part).)

Sec. 7-135. Designation of the administrator.

The city engineer is hereby appointed to administer and implement this article by granting or denying development permit applications in accordance with its provisions. (Ord. No. 97-5, § 1 (part).)

Sec. 7-136. Duties and responsibilities.

Duties of the city engineer shall include but not be limited to:

- (a) Permit Review.
 - (1) Review all development permits to determine that the permit requirements of this article have been satisfied.
 - (2) Review all development permits to determine that 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 section 7-140 are met.
- (b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with section 7-129, Basis for establishing the areas of special flood hazard, the city engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a 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 7-140, Specific standards.
- (c) 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 flood-proofed 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 7-134.

(3) Maintain for public inspection all records pertaining to the provisions of this article.

(d) 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.

(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 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 7-137. (Ord. No. 97-5, § 1 (part).)

Sec. 7-137. Variance procedure.

(a) Appeal Board.

(1) The governing body of the city shall hear and decide appeals and request for variances from the requirements of this article.

(2) The governing body shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city engineer in the enforcement or administration of this article.

(3) Those aggrieved by the decision of the governing body, or any taxpayer, may appeal such decisions to the District Court as provided in Rule 12 of the Wyoming Rules of Appellate Procedure.

(4) In passing upon such applications, the governing body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with the existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

(5) Upon consideration of the factors of subsection (a)(4) of this section and the purposes of this article, the governing may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(6) The city engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(b) Conditions for Variances.

(1) 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 (i) through (xi) in subsection (a)(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.

(5) Variances shall only be issued 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 expenses, create nuisances, cause fraud on or victimization of the public as identified in subsection (a)(4) of this section or conflict with existing local laws or ordinances.

(6) 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 below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Ord. No. 97-5, § 1 (part).)

Division 5. Provisions for Flood Hazard Reduction.

Sec. 7-138. General standards.

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

(a) Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, col-

lapse, or lateral 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 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. 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 fifty 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 fifty feet long requiring four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

(iv) Any additions to the manufactured home 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) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air condition 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.

(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 development which contain at least fifty lots or five acres (whichever is less). (Ord. No. 97-5, § 1 (part).)

Sec. 7-139. 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. (Ord. No. 97-5, § 1 (part).)

Sec. 7-140. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 7-136(b), Use of other base flood data, the following standards 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 the base flood elevation.

(b) Nonresidential Construction. 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:

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

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) 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 officials set forth in section 7-135.

(c) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 must meet or exceed the following minimum criteria:

(1) 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;

(2) The bottom of all openings shall be no higher than one foot above grade;

(3) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured Homes.

(1) Manufactured homes shall be anchored in accordance with section 7-138.

(2) All manufactured homes or those to be substantially improved shall conform to the following requirements:

(i) Require that manufactured homes that are placed or substantially improved on a site outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or

subdivision or 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.

(ii) Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home park or subdivisions that are not subject to the provisions in (i) above be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) Recreational Vehicles.

(1) Require that recreational vehicles either be on the site for fewer than one hundred eighty consecutive days, be fully licensed and ready for highway use, or meet the permit requirements and elevation and anchoring requirements for resisting wind forces. (Ord. No. 97-5, § 1 (part).)

Sec. 7-141. Floodways.

(a) Located within areas of special flood hazard established in section 7-129 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:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development 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.

(2) If subsection (1) of this section is satisfied, all new construction and substantial improvements

shall comply with all applicable flood hazard reduction provisions of division 5. Provisions for Flood Hazard Reduction.

(3) The following tabulated data will be used in monitoring and evaluating floodway protection:

Cross Section	Distance ¹	Width ² (feet)	Section Area (Square feet)	Mean Velocity (Feet per second)
Bear River				
A	820	232	674	5.9
B	1,605	135	582	6.9
C	2,800	253	834	4.8
D	3,590	197	758	5.3
E	4,010	182	525	7.6
F	4,640	197	674	5.9
G	5,415	107	500	8.0
H	6,350	102	544	7.3
I	6,380	102	605	6.6
J	6,920	114	725	5.5
K	7,890	104	384	10.4
L	8,310	78	463	8.6
M	8,355	78	475	8.4
N	8,820	111	575	7.0
O	9,195	125	639	6.3
P	9,260	177	638	6.3
Q	9,585	89	548	7.3
R	9,914	202	803	5.0
S	10,000	202	800	5.0
T	10,610	99	355	11.3
U	11,725	197	753	5.3
V	12,600	132	391	10.2
W	13,520	89	579	6.9
X	13,740	152	355	11.3
Y	13,855	152	394	10.1
Z	14,035	102	604	6.6
AA	14,860	203	440	9.1
AB	15,675	438	965	4.1

¹ Feet above downstream corporate limits.

² Centerline corresponds to center of main stream channel however, appropriately shifts at channel bends.

(Ord. No. 97-5, § 1 (part).)

Division 6. Violations and Penalties.

Sec. 7-142. Violations and penalties.

(a) Any violation of this article is a separate misdemeanor offense for each and every day it shall continue and may be punishable as set forth in section 1-5 of the city code.

(b) The city may commence an action to correct the violation, collect the costs of correcting the violation or otherwise punish the offender as provided by law. (Ord. No. 97-5, § 1 (part).)