

15.32.120 Costs. Cost incurred under Section 15.32-.110 shall be paid out of the town treasury. Such cost shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments. (Ord. 499 Art. 3(e), 1977)

Chapter 15.36

FLOOD DAMAGE PREVENTION

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ARTICLE I. GENERAL PROVISIONS

15.36.010 Statutory authority. The Legislature of the state of Wyoming has, in Wyoming Constitution Article 13 §1,

delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the town council of the town of Greybull, state of Wyoming ordains as set out in this chapter. (Ord. 616 (part), 1989)

15.36.020 Findings of fact. A. The flood hazard areas of the town 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.

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. (Ord. 616 (part), 1989)

15.36.030 Purpose of provisions. It is the purpose of this chapter 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 to:

- A. Protect human life and health;
 - B. Minimize expenditure of public money for costly flood control projects;
 - C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - D. Minimize prolonged business interruptions;
 - E. 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. 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. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - H. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.
- (Ord. 616 (part), 1989)

15.36.040 Methods of reducing flood losses generally. In order to accomplish its purposes, this chapter 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 floodwaters;

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 floodwaters or which may increase flood hazards in other areas. (Ord. 616 (part), 1989)

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

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

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

C. "Development" means any manmade 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.

D. "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; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

E. "Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

F. "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. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

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

H. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which

equals or exceeds fifty percent of the market value of the structure, either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register or Historic Places or a State Inventory of Historic Places. (Ord. 616 (part), 1989)

15.36.060 Applicability of provisions. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town of Greybull. (Ord. 616 (part), 1989)

15.36.070 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 February 19, 1980, is adopted by reference and declared to be part of this chapter. The FIRM is on file at 24 South Fifth Street, Greybull, Wyoming. (Ord. 616 (part), 1989)

15.36.080 Compliance required generally. No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 616 (part), 1989)

15.36.090 Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 616 (part), 1989)

15.36.100 Interpretation of provisions. In the interpretation of this chapter, 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. 616 (part), 1989)

15.36.110 Warning and disclaimer of liability. The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town of Greybull, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 616 (part), 1989)

ARTICLE II. ADMINISTRATION

15.36.120 Development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.36.070 of this chapter. Application for a development permit shall be made on forms furnished by the town clerk 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) or all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.36.210(B) of this chapter;

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 616 (part), 1989)

15.36.130 Designation of local administrator. The Big Horn County inspector or town foreman is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 616 (part), 1989)

Town Clerk

15.36.140 Duties and responsibilities of the building inspector or town foreman. Duties of the building inspector or town foreman shall include but not be limited to:

and Town Clerk

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter 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 adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this chapter, "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.

a. 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,

b. If it is determined that there is no adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required,

c. If the proposed development is a building, then the provisions of this chapter shall apply.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.36.070 of this chapter, the building inspector or town foreman 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 15.36.210 of this chapter.

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 floodproofed structures:

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

b. Maintain the floodproofing certifications required in Section 15.36.120(C) of this chapter.

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 no 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). (Ord. 616 (part), 1989)

ARTICLE III. CONSTRUCTION STANDARDS

15.36.150 Generally. In all areas of special flood hazards, the standards set out in this article shall apply. (Ord. 616 (part), 1989)

15.36.160 Anchoring. A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

B. 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:

1. 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;

2. 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;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

4. Any additions to the manufactured home be similarly anchored. (Ord. 616 (part), 1989)

15.36.170 Construction materials and methods. A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

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

C. 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. (Ord. 616 (part), 1989)

15.36.180 Utilities. A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 616 (part), 1989)

15.36.190 Subdivision proposals. A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

D. 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. 616 (part), 1989)

15.36.200 Encroachments. Encroachments including fill, new construction, substantial improvements and other development shall be prohibited to 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. 616 (part), 1989)

15.36.210 Residential and nonresidential construction. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.36.140(B) of this chapter, 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 subsection. Such certifications shall be provided to the official as set forth in Section 15.36.140(C)(1) of this chapter. (Ord. 616 (part), 1989)