

FLOOD DAMAGE PREVENTION ORDINANCE # 9-5-95

THE HULETT TOWN COUNCIL HEREBY ADOPTS THE FOLLOWING INTERIM STANDARDS FOR FLOOD DAMAGE PREVENTION WHICH SHALL BE IN EFFECT UNTIL REPLACED BY A PERMANENT DEVELOPMENT CODE INCORPORATING THE CONCERNS ADDRESSED HEREIN.

1.1 STATUTORY AUTHORIZATION

The State of Wyoming has in 15-1-612 and 15-1-701 through 15-1-709 as amended 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 Town Council of Hulett, Wyoming does ordain as follows:

1.2 FINDINGS OF FACT

- (1) The flood hazard areas of the Town of Hulett are subject to potential inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government 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 potential flood losses could be 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 could also contribute to the 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 so as to minimize future flood blight areas;
- (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 ordinance 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 that 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 waters or which may increase flood hazards in other areas.

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 ordinance its most reasonable application.

2.1 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.

2.2 BASE FLOOD

Means the flood having a one percent chance of being equalled or exceeded in any given year.

2.3 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.

2.4 FLOOD OR FLOODING

Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

2.5 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 designated as Zone A.

2.6 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".

2.7 STRUCTURE

Means a walled and roofed building or manufactured home that is principally above ground.

2.8 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 60 percent of the market value of the structure before the damage occurred. ✓

2.9 SUBSTANTIAL IMPROVEMENT

Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 60 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".

3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hulett.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

No areas of special flood hazard have been identified by the Federal Emergency Management Agency in a Flood Hazard Boundary Map (FHBM) upon date of this ordinance. At such time as an official map has been prepared and released it is hereby adopted by reference and declared to be a part of this ordinance. The FHBM will be on file at the office the Town Clerk. ✓

3.3 COMPLIANCE

No new structure or land use shall hereafter be commenced, constructed, located, extended, converted or altered without full compliance with the terms of this ordinance, and other applicable regulations of the Town of Hulett.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing right to legally use property nor any easements, covenants, or deed restrictions established prior to the adoption of this ordinance. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. ✓

3.5 INTERPRETATION

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

- (1) Considered 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 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 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 ordinance shall not create liability on the part the Town of Hulett, and 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.

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 Town Clerk and may include, but are not 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:

- (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 professional engineer licensed in Wyoming that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2.2;
- (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 HULETT TOWN COUNCIL

The Hulett Town Council or its designee is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE HULETT TOWN COUNCIL

Duties of the Hulett Town Council or its designee shall include but not be limited to:

4.3.1 PERMIT REVIEW

- (1) Review all development permits to determine that the submittal requirements of this ordinance 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 that the proposed development has been certified by a professional engineer licensed in the State of Wyoming to not adversely affect the flood carrying capacity of the area of special flood hazard. For the purposes of this ordinance, "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 mitigation measures designed by a professional engineer licensed in Wyoming for the proposed development shall be provided.
 - (iii) If the proposed development is a building, then the provisions 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 Hulett Town Council shall obtain, review, and utilize any reasonable 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 5.2, SPECIFIC STANDARDS. In areas for which no data is officially available the Hulett Town Council shall issue a blanket exemption under permit requirements of this ordinance.

4.3.3 INFORMATION TO BE OBTAINED AND MAINTAINED

- (1) Obtain and record the actual elevation (in relation to means 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 Office 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).

5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

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 lateral movement of the structure and capable of resisting hydrostatic and hydrodynamic loads;
- (2) The floor of all new manufactured homes must be elevated above the base elevation flood and anchored to resist flotation, collapse of 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 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.
- (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;
- (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 signed by a professional engineer licensed in Wyoming 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:
 - (i) Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (iii) Be certified by a registered professional engineer or architect licensed in the State of Wyoming 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 Hulett Town Council as set forth in Section 4.3.3(2).

5.2.3 Effective date:

This Ordinance shall take effect and be in force from and after its passage, approval and posting.

Posted September 06, 1995.

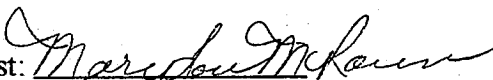
1st reading September 05, 1995

2nd reading September 22, 1995

3rd and final reading November 10, 1995.

TOWN OF HULETT, WYOMING


Betty J. Rush/Mayor

Attest: 
Mary Lou McRann/Clerk

