

RESOLUTION NO. R-03-2000

WHEREAS, certain areas of Kirby are subject to periodic flooding, mudslides (i.e., mudflows), or flood-related erosion, causing serious damages to properties within these areas; And

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

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

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to W.S. ss 16-10-101 through 110; and any other appropriate section of State law and other relevant authority.

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

1. Assures the Federal Emergency Management Agency that it will enact, as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and
2. Vests the Mayor 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 erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
 - (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the

community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the community's boundaries, include within such notification a copy of a maps 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 Clerk 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.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

DATE OF ADOPTION: September 11, 2000

CERTIFICATION:

Don Larson
Mayor

Melody A. Waring
Clerk

ORDINANCE NO: 43-2000

AN ORDINANCE PERTAINING TO FLOOD DAMAGE PREVENTION.

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

1.1: STATUTORY AUTHORIZATION – The Legislature of the State of Wyoming has in W.S. ss 16-10-101 through 110 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 Kirby, Wyoming does ordain as follows:

1.2: FINDINGS OF FACT –

- (1) The flood hazard areas of the Town of Kirby, Wyoming 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 flood-proofed, elevated or otherwise protected from flood damage 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.

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 ordinance its most reasonable application.

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.

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 improvement – means any repair, 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 THIS ORDINANCE APPLIES – This ordinance shall apply to all areas within the jurisdiction of Town of Kirby.

3.2 COMPLIANCE – No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this ordinance and other applicable regulations.

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

3.4 INTERPRETATION – In the interpretation of this ordinance, 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.

3.5 WARNING AND DISCLAIMER OF LIABILITY -- This ordinance shall not create liability on the part of the Town of Kirby, 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 the community.

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 questions; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2 DESIGNATION OF THE REVIEW COMMITTEE – The Kirby Town Council and/or Hot Springs Co. Planner will hereby constitute the Review Committee. The Review Committee 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 COUNCIL – Duties of the Council 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 ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
- (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 adversely affects the flood carrying capacity of the flood-prone area. For

the purposes of this ordinance, "adversely affect" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over-bank 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, then the provisions of this ordinance shall apply.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS – If a proposed building site is located in a flood-prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall conform to the following standards:

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.

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;

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- (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

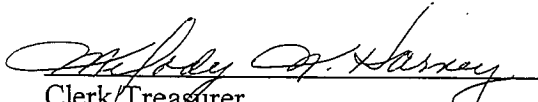
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

DATED THIS 11 DAY OF December, 2000.

Passed on first reading: 10/10/2000
Passed on second reading: 11/6/2000
Passed and Adopted on third reading: 12/11/2000


Mayor

ATTEST:


Clerk/Treasurer