

ORDINANCE NO. 260**AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION METHODS; ESTABLISHING THE REQUIREMENT OF DEVELOPMENT PERMITS; AND ESTABLISHING PROVISIONS FOR FLOOD HAZARD REDUCTION**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LINGLE, WYOMING:

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. §15-1-103(a)(x)(i), 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 Council of the Town of Lingle, Wyoming, does ordain as follows:

1.2 FINDINGS OF FACT

- (1) That certain areas of the Town of Lingle may be 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.
- (2) These potential flood losses are caused by the cumulative effect of obstructions in areas subject to potential 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.

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 subject to periodic flood hazards so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area subject to potential flood hazards; and,
- (8) To ensure that those who occupy the areas subject to potential flood hazards 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 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 an area subject to potential flood hazards.

"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 the Town of Lingle.

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 Lingle, 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.

3.6 SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

3.7 EFFECT

This Ordinance shall be in full force and effect from and after its passage, approval and publication.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT REVIEW

A development review shall be completed before construction or development begins within the community, and shall be completed in conjunction with any required building permit.

The development review shall be included on required building permits furnished by the Town of Lingle. Factors and elements to be considered 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.

4.2 DESIGNATION OF THE ASSISTANT TOWN SUPERVISOR

The Assistant Town Supervisor is hereby appointed to administer and implement this ordinance by completing a development review in accordance with its provisions, and in conjunction with any required building permit.

4.3 DUTIES AND RESPONSIBILITIES OF THE ASSISTANT TOWN SUPERVISOR

Duties of the Assistant Town Supervisor shall include but not be limited to:

4.3-1 Development Review

- (1) Review all building permits to determine that the development review requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
- (2) Review all building 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 building permits to determine if the proposed development adversely affects the flood carrying capacity of the potential flood-prone area. 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 building 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.

- (4) Development review shall be completed based only on potential flood hazard information available at the time of review.

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.

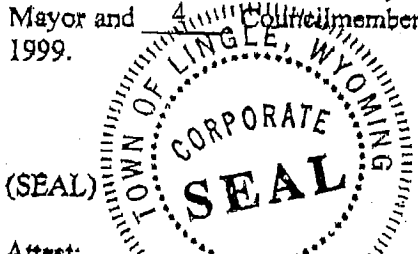
5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (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;

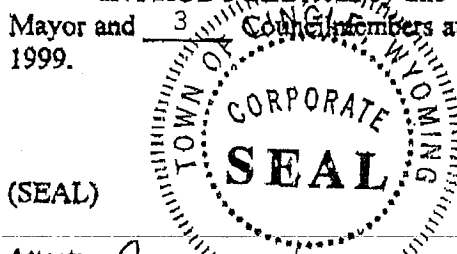
INTRODUCED, read by title and passed on first reading upon the affirmative vote of the Mayor and 4 Councilmembers at the regular meeting held the 21st day of JULY, 1999.



Bill Rorutt
Mayor

Attest:
Martha Coyle
Town Clerk

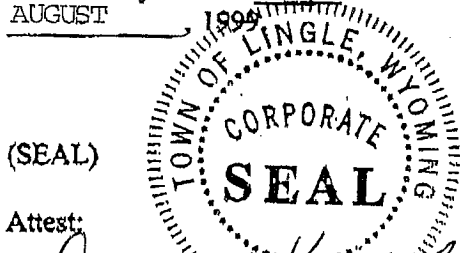
INTRODUCED, read by title and passed on second reading upon the affirmative vote of the Mayor and 3 Councilmembers at the regular meeting held the 4th day of AUGUST, 1999.



Bill Rorutt
Mayor

Attest:
David W. Kendall
Town Clerk

INTRODUCED, read by title and passed on third and final reading upon the affirmative vote of the Mayor and 4 Councilmembers at the regular meeting held the 18th day of AUGUST, 1999.



Bill Rorutt
Mayor

Attest:
David W. Kendall
Town Clerk

ATTESTATION

I, David Kendall, being duly appointed, qualified and acting as the Town Clerk of the Town of Lingle, hereby certify that Ordinance No. 260 was passed on third and final reading on the 18th day of AUGUST, 1999, and was published in the Lingle Guide on the 31st day of AUGUST, 1999.

ORDINANCE NO. 260

AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION METHODS; ESTABLISHING THE REQUIREMENT OF DEVELOPMENT PERMITS; AND ESTABLISHING PROVISIONS FOR FLOOD HAZARD REDUCTION

I, David W. Kendall, Town Clerk of the Town of Lingle, hereby certify that Ordinance No. 260, read by title, on this third and final reading at the regular Council Meeting held August 18, 1999, passed with Mayor Routt and four Council Members voting AYE. Ordinance No. 260 is being published by title, but Ordinance No. 260, in its entirety, can be reviewed at the Lingle Town Hall.

(SEAL)



Attest:

David W Kendall

David W. Kendall, Clerk/Treasurer