

Lovell WY Municipal Code

CHAPTER 28

FLOOD DAMAGE PREVENTION

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- 28-01 Definitions**
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ARTICLE 28-01

Definitions

Sections:

28-01-010 Definitions

Section 28-01-010 Definitions

Unless specifically defined below, 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.

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.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters, and/or 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 hazard designated as Zone A.

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 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."

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(Ord. No. 677, Enacted, 10/7/91)

ARTICLE 28-02

General Provisions

Sections:

- 28-02-010** **Lands to which this chapter applies**
- 28-02-020** **Basis for establishing the areas of special flood hazard.**
- 28-02-030** **Compliance.**
- 28-02-040** **Abrogation and greater restrictions.**
- 28-02-050** **Interpretation**
- 28-02-060** **Warning and disclaimer of liability**
- Section 28-02-010** **Lands to which this chapter applies**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lovell.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-02-020 **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 October 1, 1986, is adopted by reference and declared to be a part of this chapter. The FIRM is on file at 336 Nevada Avenue, Lovell, Wyoming.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-02-030 **Compliance.**

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. No. 677, Enacted, 10/7/91)

Section 28-02-040 **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 chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-02-050 **Interpretation**

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In the interpretation of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State statute.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-02-060 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 man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Lovell, 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. No. 677, Enacted, 10/7/91)

ARTICLE 28-03

Administration

Sections:

- 28-03-00D DIVISION 28-03-01 Development Permit**
- 28-03-01-010 Establishment of development permit**
- 28-03-01D DIVISION 28-03-02 Designation of the Town Administrator**
- 28-03-02-010 Designation of the Town Administrator**
- 28-03-02D DIVISION 28-03-03 Duties of the Town Administrator**
- 28-03-03-010 Generally**
- 28-03-03-020 Permit review**
- 28-03-03-030 Use of other base flood data**
- 28-03-03-040 Information to be obtained and maintained**
- 28-03-03-050 Alteration of Watercourses**
- 28-03-03-060 Interpretation of FIRM Boundaries.**
- Section 28-03-00D DIVISION 28-03-01 Development Permit**

Section 28-03-01-010 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 28-02-020.

Application for a development permit shall be made on forms furnished by the Town Administrator 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:

- 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 registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 28-04-020; and
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-01D DIVISION 28-03-02 Designation of the Town Administrator

Section 28-03-02-010 Designation of the Town Administrator

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The Town Administrator is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-02D DIVISION 28-03-03 Duties of the Town Administrator

Section 28-03-03-010 Generally

Duties of the Town Administrator shall include but not be limited to permit review, use other base flood data, obtain and maintain information, notify of alteration of watercourses, and interpret FIRM Boundaries.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-03-020 Permit review

The Town Administrator shall:

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 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.

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 chapter shall apply.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-03-030 Use of other base flood data

When base flood elevation data has not been provided in accordance with Section 28-02-020, the Town Administrator 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 improvement, or other development in Zone A are administered in accordance with Section

28-04-020.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-03-040 Information to be obtained and maintained

The Town Administrator shall:

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 structure:

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 28-03-01-010 (3).

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-03-050 Alteration of Watercourses

The Town Administrator shall:

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.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-03-03-060 Interpretation of FIRM Boundaries.

The Town Administrator shall make interpretation, 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. No. 677, Enacted, 10/7/91)

ARTICLE 28-04

Provisions for Flood Hazard Reduction

Sections:

- 28-04-00D DIVISION 28-04-01 General Standards Required**
- 28-04-01-010 Anchoring**
- 28-04-01-020 Construction materials and methods**
- 28-04-01-030 Utilities**
- 28-04-01-040 Subdivision proposals**
- 28-04-01-050 Encroachments**
- 28-04-01D DIVISION 28-04-02 Specific Standards**
- 28-04-02-010 Specific standards**
- 28-04-02-020 Residential construction**
- 28-04-02-030 Nonresidential construction**
- Section 28-04-00D DIVISION 28-04-01 General Standards Required**

Section 28-04-01-010 Anchoring

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.

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 50 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 50 feet long requiring four additional ties per side;
- 3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- 4) any additions to the manufactured home be similarly anchored.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-04-01-020 Construction materials and methods

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

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

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. No. 677, Enacted, 10/7/91)

Section 28-04-01-030 Utilities

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

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.

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-04-01-040 Subdivision proposals

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

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

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

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).

(Ord. No. 677, Enacted, 10/7/91)

Section 28-04-01-050 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. 677, Enacted, 10/7/91)

Section 28-04-01D DIVISION 28-04-02 Specific Standards

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Section 28-04-02-010 Specific standards

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 28-03-03-030, the standards as outlined in Sections 28-04-02-020 and 28-04-02-030 are required.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-04-02-020 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.

(Ord. No. 677, Enacted, 10/7/91)

Section 28-04-02-030 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 official as set forth in Section 28-03-03-040.

(Ord. No. 677, Enacted, 10/7/91)