

ORDINANCE NO. 34

AN ORDINANCE INTRODUCED BY THE GOVERNING BODY ESTABLISHING FLOODWAY AND FLOODWAY FRINGE DISTRICTS, DEFINING SAME AND SETTING FORTH REGULATIONS IN ACCORDANCE WITH NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS AS PUBLISHED IN THE FEDERAL REGISTER, VOLUME 41, NUMBER 207, DATED OCTOBER 26, 1978.

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

1.1 AUTHORIZATION

Wyoming Statutes 15.183 to 15.191, 1957, as amended, delegate responsibility to towns to adopt zoning regulations designed to promote the public health, safety, and general welfare. Under this authority the Mayor and Town Council of the Town of Manderson, Wyoming do hereby ordain as follows:

1.2 STATEMENT OF PURPOSE

It is the purpose of this ordinance to minimize public and private losses due to flood conditions in specific areas by: 1) protecting human life and health, 2) minimizing public expenditures for flood control projects, 3) minimizing damage to public facilities and utilities, 4) insuring that potential buyers are notified that property is in an area of special flood hazard, 5) insuring that those who occupy the areas of special flood hazard will be eligible to buy flood insurance, and 6) providing for the use and development of areas of special flood hazard so as to minimize future flood damages.

1.3 METHODS OF REDUCING LOSSES

In order to accomplish its purpose, this ordinance includes methods and provisions for : 1) restricting and prohibiting uses which are dangerous due to water erosion hazards, 2) providing that uses vulnerable to floods be protected against damage at the time of initial construction, 3) control the alterations of natural flood plains and protective barriers which channel flood water, 4) controlling filling, grading, and dredging which may increase flood damage, and 5) preventing or regulating construction of flood barriers which will divert flood waters or increase downstream flood hazards.

2.0 GENERAL PROVISIONS

2.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas within the Town of Manderson, Big Horn County, Wyoming.

2.2 BASIS FOR ESTABLISHING FLOOD HAZARD AREA

The areas of special flood hazard identified by the Federal Insurance Administration in a report entitled "Flood Insurance Study" for the Town of Manderson, Wyoming with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Manderson Town Hall.

2.3 COMPLIANCE

No structure shall be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Where this ordinance conflicts with other regulations, whichever imposes the more stringent restrictions shall prevail.

2.4 DISCLAIMER OF LIABILITY

This ordinance shall not create any liability on the part of the Town of Manderson, Wyoming, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or its administration.

2.5 DEFINITIONS

2.5-1. Area of special flood hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

2.5-2. Base flood means the flood having a one percent chance of being equalled or exceeded in any given year.

2.5-3. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

2.5-4 Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

2.5-5 Flood hazard boundary map (FHBM) means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

2.5-6 Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

2.5-7 Mobile home means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. If does not include recreational vehicles or travel trailers.

2.5-8 Structure means a walled and roofed building, a mobile home, or a gas or liquid storage tank, that is principally above ground.

2.5-9 Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 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 purposes 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 alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

3.0 ADMINISTRATION

3.1 PERMIT REQUIREMENTS

A permit shall be obtained for all proposed construction and other developments including the placement of mobile homes. An application shall be made on forms furnished by the Town Clerk. All permits shall be approved by the Council at a regular meeting.

3.2 CRITERIA

3.3 IN APPROVING BUILDING PERMITS THE COUNCIL SHALL:

3.3-1 Review all building permit applications to determine if the site of the proposed development is reasonable safe from flooding and that all necessary permits have been received as required by Federal, State, or local laws including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, and make recommendations for development in all locations which have flood hazards.

3.3-2 Obtain and record the actual elevations (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structure contains a basement; if structure has been flood-proofed; obtain elevation (in relation to mean sea level) to which the structure was flood-proofed; and maintain a record of all such information.

3.3-3 Notify adjacent communities and the State Civil Defense Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3.3-4 Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards.

3.3-5 When base flood elevation data has not been provided, the Town Council shall obtain review and reasonably utilize any base flood elevation data available from a Federal, State or other source in order to administer Sections 5.0.

4.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

4.1 In all areas of special flood hazard the following standards are required:

4.2 CONSTRUCTION MATERIAL

All new construction and substantial improvements (including the placement of prefabricated building and mobile homes) shall be 1) Constructed with materials and utility equipment resistant to flood damage; 2) methods and practices shall be used to minimize flood damage; and 3) be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.

4.3 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 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 the flooding.

4.4 SUBDIVISION PROPOSALS

All subdivision proposals shall 1) be consistent with the need to minimize flood damage within the flood-prone area; 2) have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; 3) shall have adequate drainage provided to reduce exposure to flood hazards; and 4) base flood elevation data shall be provided for subdivision proposals and other development proposals which contain at least 50 lots or 5 acres, whichever is less.

5.0 SPECIFIC STANDARDS

5.1 In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

5.2 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure within Zone A on the FIRM (Flood Insurance Rate Map) shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.3 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial or other nonresidential structure within zone A on the FIRM 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 level the structure is watertight with walls substantially impermeable to the passage of water; and 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy.

5.4 MOBILE HOMES

5.4-1 All mobile homes to be placed within Zone A shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors. Specific requirements shall be that; 1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile 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; 3) all components of the anchoring systems be capable of carrying a force of 4800 pounds; and 4) any additions to the mobile home be similarly anchored.

5.4-2 All mobile home to be placed within zone A, new mobile home parks and mobile home subdivisions; and in expansions of existing mobile home parks and mobile home subdivisions, and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; require that; 1) stands or lots are elevated on compacted fill or on filings so that the lowest floor of the mobile home will be at or above the base flood level; 2) surface drainage and access for a hauler are provided; 3) in the instance of elevation on pilings that lots are large enough to permit steps, piling foundations are placed on stable soil no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level.

5.4-3 Require that an evacuation plan indicating alternate vehicular access and escape routes be filed with the State Civil Defense Agency and Big Horn County Civil Defense Coordinator for mobile home parks and mobile home subdivisions located within A zone on the communities FIRM.

5.4-4 No mobile home shall be placed on a floodway. The floodway is defined on the Flood Hazard Boundary Map marked Exhibit 2.

5.5 FLOODWAYS

Since the floodway is a hazardous area, encroachments, including fill, new construction, substantial improvements, and other developments within the regulatory floodway that would result in any increase in flood levels are prohibited.

5.6 FLOODPROOFING

Where floodproofing is utilized for a particular structure 1) a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces associated with the base flood and record of such certification indicating specific elevations (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the city.

5.7 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

5.7-1 All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated 2 feet or more above the crown of the nearest street.

5.7-2 All new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated 2 feet or more above the crown of the nearest street or together with attendant utility and sanitary facilities be completely floodproofed 2 feet or more above the crown of the nearest street so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

6.0 VARIANCE PROCEDURE

6.1 CONDITIONS FOR VARIANCE

Variations may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section. Variations shall not be issued within any designated floodway if any increase in flood levels during the base flooding discharge would result.

Variations shall only be issued upon; 1) showing of good and sufficient cause; 2) determination that failure to grant the variance would result in exceptional hardship to the applicant; and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or conflict with other existing ordinances.

The community shall notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100 year flood level will result in increased actuarial rates for flood insurance coverage.

PASSED, APPROVED, AND ADOPTED by the Mayor and the Town Council of the Town of Manderson, Wyoming this 5th day of Dec., 1978.

Ralph Patrick
Mayor

Attest:
Rhea L. Paxton
Town Clerk