

Buildings

CHAPTER 6.

Buildings.

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industrial district, as designated in the Zoning Ordinance.⁴ (Ord. No. 13 (1951), § 1.)

Sec. 6-5. Area within Fire Zone Three.

Fire Zone Three shall comprise all that area not included in Fire Zone One and Fire Zone Two. (Ord. No. 13 (1951), § 1.)

Article III. Building Code.⁵

Sec. 6-6. Adoption of Uniform Building Code.

The Uniform Building Code, 1997 Edition, together with the cumulative supplement thereto and including all of its indices and appendices, as adopted by the International Conference of Building Officials, subject to the amendments, deletions and additions as set forth in Section 6-7 of this Code, is hereby adopted and by this reference incorporated herein, as part of this section as fully as if completely set out herein, as part of the building code of the city. One copy of the Uniform Building Code together with its Cumulative Supplement, indices and appendices shall be kept on file in the office of the City Engineer for public inspection. (Ord. No. 18 (1961), § 1; Ord. No. 14 (1978), § 1; Ord. No. 18 (1983), § 1 (part); Ord. No. 15 (1992), § 1; Ord. No. 2 (1998), § 1.)

Sec. 6-7. Amendments, deletions and additions to Uniform Building Code.

(a) Building permit fees payable to the city shall be seventy-five percent of the amount set forth in Table No. 1A of Volume 1 of the Uniform Building Code, 1997 Edition.

(b) Building permits issued by the city in accordance with the Uniform Building Code, 1997 Edition, shall be valid for a period of one year following issuance. All permitted building must be commenced and completed within said one year period, unless otherwise authorized by the city engineer. The city engineer may extend the one year permit period for up to one additional year without additional charge to the permittee. After the initial one year permit period

4. The Zoning Ordinance is not a part of this codification but is set out in the Appendix to this volume.

5. For state law as to authority of town to adopt Building Code by reference, see W.S. § 15-1-119.

Dangerous Buildings as adopted herein shall be maintained on file in the office of the city clerk where it shall be available for public inspection during normal office hours. A copy of each ordinance amending or modifying such code shall be kept with each copy of such code and made available for public inspection at the same time as and in the same manner as such code. (Ord. No. 27 (1986), § 1.)

Article V. Floodplains.

Division 1. Definitions.

Sec. 6-10. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

(a) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

(b) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

(c) "Development" means any manmade 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.

(d) "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 of runoff of surface waters from any source.

(e) "Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Emergency

Management Agency has delineated areas of special flood hazard designated as Zone A.

(f) "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 connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

(g) "Structure" means a walled and roofed building or manufactured home that is principally above ground.

(h) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty 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 purpose 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 alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. No. 6 (1989), § 1 (part).)

Division 2. General Provisions.

Sec. 6-11. Lands to which this article applies.

This article shall apply to all areas of special flood hazards within the jurisdiction of the city of Newcastle. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-12. 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 May 1, 1986, is adopted by reference and declared to be part of this article. The FIRM is on file at the office of the city engineer, City Hall, 10 West Warwick, Newcastle, Wyoming. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-13. Compliance.

No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this article and other applicable regulations. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-14. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-15. Interpretation.

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the city; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-16. Warning and disclaimer of liability.

The degree of flood protection required by this article 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 manmade or natural causes. This article 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 article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. (Ord. No. 6 (1989), § 1 (part).)

Division 3. Administration.

Sec. 6-17. 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 6-12. Application for a development permit shall be made on forms furnished by the city building inspector 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:

- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 6-21(b); and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-18. Designation of the city building inspector.

The city building inspector is hereby appointed to administer and implement this article by granting or denying development permit applications in accordance with its provisions. (Ord. No. 6 (1989), § 1 (part).)

Sec. 6-19. Duties and responsibilities of the city building inspector.

Duties of the city building inspector shall include, but not be limited to, the following:

(a) Permit review:

(1) Review all development permits to determine that the permit requirements of this article have been satisfied.

(2) Review all development permits to determine that all necessary 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 article, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and 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 article shall apply.

(b) Use of other base flood data:

(1) When base flood elevation data has not been provided in accordance with section 6-12, the city building inspector 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 improvements, or other development in Zone A or other known flood-prone areas are administered in accordance with section 6-21.

(c) Information to be obtained and maintained:

(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 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 certification required in section 6-17(c).

(3) Maintain for public inspection all records pertaining to the provisions of this article.

(d) Alteration of watercourses:

(1) Notify adjacent communities and the Wyoming Disaster and Civil Defense Division or Department of Emergency Management 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.

(e) Interpretation of FIRM boundaries:

(1) 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). (Ord. No. 6 (1989), § 1 (part).)

Division 4. Flood Hazard Reduction.

Sec. 6-20. General standards.

In all areas of special flood hazards, the following standards are required:

(a) 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 the hydrostatic and hydrodynamic loads.

(2) 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 not be 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 fifty 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 fifty feet long requiring four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

(iv) Any additions to the manufactured home be similarly anchored.

(b) 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.

(c) Utilities:

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

(2) New and replacement sanitary sewage systems shall be

designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

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

(d) 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 fifty lots or five acres (whichever is less).

(e) Encroachments:

(1) 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. 6 (1989), § 1 (part).)

Sec. 6-21. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 6-19(b), the following standards are required:

(a) 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.

(b) 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; and

(iii) 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 article. Such certifications shall be provided to the official as set forth in Section 6-19(c)(2). (Ord. No. 6 (1989), § 1 (part).)