

Chapter 15.24FLOOD DAMAGE PREVENTIONSections:

- 15.24.010 Definitions.
- 15.24.020 Applicability of chapter provisions.
- 15.24.030 Compliance with chapter provisions.
- 15.24.040 Abrogation and greater restrictions.
- 15.24.050 Interpretation of language.
- 15.24.060 Warning and disclaimer of liability.
- 15.24.070 Development permit requirements.
- 15.24.080 Administration--Chief inspection officer authority.
- 15.24.090 Chief inspection officer--Powers and duties.
- 15.24.100 Flood hazard reduction standards.
- 15.24.110 Anchoring.
- 15.24.120 Construction materials and methods.
- 15.24.130 Utilities.
- 15.24.140 Subdivision proposals.

15.24.010 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.

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

"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.

"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 fifty 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. (Ord. 3-1992 §1(part): prior code §19.7-101)

15.24.020 Applicability of chapter provisions. This chapter shall apply to all areas within the jurisdiction of the city of Powell. (Ord. 3-1992 §1(part): prior code §19.7-201)

15.24.030 Compliance with chapter provisions. 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. 3-1992 §1(part): prior code §19.7-202)

15.24.040 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 other ordinance, easement, covenant or deed restrictions conflicts or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 3-1992 §1(part): prior code §19.7-203)

15.24.050 Interpretation of language. In the interpretation of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statute. (Ord. 3-1992 §1(part): prior code §19.7-204)

15.24.060 Warning and disclaimer of liability. This chapter 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 chapter or any administrative decision

lawfully made thereunder. (Ord. 3-1992 §1(part): prior code §19.7-205)

15.24.070 Development permit requirements. A. A development permit shall be obtained before construction or development begins within the community.

B. Application for a development permit shall be made on forms furnished by the office of the chief inspections officer and may include, but not be limited to:

1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

2. Existing or proposed structures, fill, storage of materials, drainage facilities; and

3. The location of the foregoing. (Ord. 3-1992 §1(part): prior code §19.7-301)

15.24.080 Administration--Chief inspection officer authority. The chief inspection officer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 3-1992 §1(part): prior code §19.7-302)

15.24.090 Chief inspection officer--Powers and duties. Duties of the chief inspection officer shall include but not be limited to:

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied, and to determine whether proposed building sites will be reasonably safe from flooding;

B. 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;

C. 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 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.

1. 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.

2. 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.

D. If the proposed development is a building, then the provisions of this chapter shall apply. (Ord. 3-1992 §1(part): prior code §19.7-303)

15.24.100 Flood hazard reduction 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 standards set out in Sections 15.24.100 through 15.24.400. (Ord. 3-1992 §1(part): prior code §19.7-401(part))

15.24.110 Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and be capable of resisting hydrostatic and hydrodynamic loads. (Ord. 3-1992 §1(part): prior code §19.7-401(A))

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

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

C. 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. 3-1992 §1(part): prior code §19.7-401(B))

15.24.130 Utilities. A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. 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.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 3-1992 §1(part): prior code §19.7-401(C))

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

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

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. (Ord. 3-1992 §1(part): prior code §19.7-401(D))

ORDINANCE 3, 1992

AN ORDINANCE ENACTING TITLE 19, CHAPTER 7 OF THE POWELL CITY CODE PERTAINING TO FLOOD DAMAGE PREVENTION.

WHEREAS, THE CITY OF POWELL HAS PREVIOUSLY ELECTED TO REMAIN A PARTICIPANT IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), AND

WHEREAS, IN ORDER FOR THE CITY TO MAINTAIN A PARTICIPANT IN THE NFIP AND TO HAVE FLOOD INSURANCE OFFERED TO RESIDENTS OF THE COMMUNITY, AN ORDINANCE MUST BE ADOPTED TO MEET PROGRAM REQUIREMENTS,

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF POWELL, WYOMING, AS FOLLOWS

Section 1. Title 19, Chapter 7 of the Powell City Code is hereby adopted to read as follows:

CHAPTER SEVEN

Flood Damage Prevention

ARTICLE I.  
DEFINITIONS

19.7-101 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 it's 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 improve 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."

ARTICLE II  
GENERAL PROVISIONS

19.7-201 Lands to Which this Ordinance Applies.

This ordinance shall apply to all areas within the jurisdiction of The City of Powell.

19.7-202 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.

19.7-203 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 other ordinance, easement, covenant, or deed restriction conflicts or overlap, whichever imposes the more stringent restrictions shall prevail.

19.7-204 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.

19.7-205 Warning and Disclaimer of Liability.

This ordinance shall not create liability on the part of The City of Powell, 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.

ARTICLE III  
ADMINISTRATION

19.7-301 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 office of the Chief Inspections Officer 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.

19.7-302 Designation of the Chief Inspection Officer.

The Chief Inspection Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

19.7-303 Duties and Responsibilities of the Chief Inspection Officer.

Duties of the Chief Inspection Officer shall include but not be limited to:

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 affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
  - (a) 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.
  - (b) 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.

- (c.) If the proposed development is a building, then the provisions of this ordinance shall apply.

ARTICLE IV  
PROVISIONS FOR FLOOD HAZARD REDUCTION

19.7-401 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:

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 hydrostatic and hydrodynamic loads.

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

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

Section 2. The Ordinance shall be in full force and effect upon the adoption and publication as required by law.

Passed on first reading the 18th day of February, 1992.

Passed on second reading the 2nd day of March, 1992.

Passed on third reading the 16th day of March, 1992.

CITY OF POWELL

By: *Richard W. Lawrence*  
Mayor

ATTEST:

By: *Ardyce R. Busboom*  
City Clerk

Publish Powell Tribune: March 19, 1992