

TITLE IX

FLOOD DAMAGE PREVENTION

- Article 1. Statutory Authorization
- Article 2. Findings of Fact
- Article 3. Statement of Purpose
- Article 4. Methods of Reducing Flood Losses
- Article 5. Definitions
- Article 6. General Provisions
- Article 7. Administration
- Article 8. Provisions for Flood Hazard Reduction--General Standards
- Article 9. Provisions for Flood Hazard Reduction--Specific Standards

ARTICLE I - STATUTORY AUTHORIZATION

- 9-101 Responsibility

ARTICLE II - FINDINGS OF FACT

- 9-201 Flood Hazard Results
- 9-202 Factors to Flood Loss

ARTICLE III - STATEMENT OF PURPOSE

- 9-301 Efforts to Minimize Losses Due to Flood Conditions

ARTICLE IV - METHODS OF REDUCING FLOOD LOSSES

- 9-401 Methods and Provisions

ARTICLE V - DEFINITIONS

- 9-501 Interpretations

ARTICLE VI - GENERAL PROVISIONS

- 9-601 Application
- 9-602 Basis for Establishing the Areas of Special Flood Hazard

- 9-603 Compliance
- 9-604 Abrogation and Greater Restrictions
- 9-605 Interpretation
- 9-606 Warning & Disclaimer of Liability

ARTICLE VII - ADMINISTRATION

- 9-701 Establishment of Development Permit
- 9-702 Mayor to Administer Permit Applications
- 9-703 Duties and Responsibilities of Mayor Regarding
Development Permits
- 9-704 Use of Other Base Flood Data
- 9-705 Information to be Obtained and Maintained
- 9-706 Alteration of Water Courses
- 9-707 Interpretation of FHBM Boundaries

ARTICLE VIII - PROVISIONS FOR FLOOD HAZARD REDUCTION -
GENERAL STANDARDS

- 9-801 Anchoring
- 9-802 Construction Materials and Methods
- 9-803 Utilities
- 9-804 Subdivision Proposals
- 9-805 Encroachments

ARTICLE IX - PROVISIONS FOR FLOOD HAZARD REDUCTION -
SPECIFIC STANDARDS

- 9-901 Residential Construction
- 9-902 Non-Residential Construction

ARTICLE I
STATUTORY AUTHORIZATION

- 9-101 Responsibility.

The Legislature of the State of Wyoming has in Wyoming Statutes 1977, as amended Section 41-3-801, 802, 803 delegated the responsibility to local governmental entities to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Ten Sleep, Wyoming does ordain as follows in the following Articles:

ARTICLE II
FINDINGS OF FACT

9-201 Flood Hazard Results.

The flood hazard areas of Town of Ten Sleep are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government 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.

9-202 Factors to Flood Loss.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

ARTICLE III
STATEMENT OF PURPOSE

9-301 Efforts to Minimize Loss Due to Flood Conditions.

It is the purpose of this Title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in 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 second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To insure that potential buyers are notified that property is in an area of special flood hazard; and,

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE IV
METHODS OF REDUCING FLOOD LOSSES

9-401 Methods and Provisions.

In order to accomplish its purposes, this Title 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 flood plains, 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.

ARTICLE V
DEFINITIONS

9-501 Interpretations.

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

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. "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.
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, grading, paving, excavating or drilling operations located within the area of special flood hazard.

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

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

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.

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

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. It does not include recreational vehicles or travel trailers.

8. "Structure" means a walled and roofed building or mobile home that is principally above ground.

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:

- (a) before the improvement or repair is started, or
- (b) 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:

- (a) 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

- (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE VI
GENERAL PROVISIONS

9-601 Application.

This Title shall apply to all areas of special flood hazards within the jurisdiction of Town of Ten Sleep.

9-602 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM), #H 01, dated December 13, 1974, are adopted by reference and declared to be a part of this Title. The FHBM is on file at Town Clerk's Office.

9-603 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Title and other applicable regulations.

9-604 Abrogation and Greater Restrictions.

Title IX 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.

9-605 Interpretation.

In the interpretation and application of this Title, 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 statutes.

9-606 Warning and Disclaimer of Liability.

The degree of flood protection required by this Title 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 Title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Title shall not create liability on the part of Town of Ten Sleep, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance of this Title or any administrative decision lawfully made thereunder.

ARTICLE VII
ADMINISTRATION

9-701 Establishment of Development Permit.

A development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Title 9-602. Application for a Development Permit shall be made on forms furnished by the Town Mayor, 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 or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Title 9-902; and,
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

9-702 Mayor to Administer Permit Applications.

The Town Mayor is hereby appointed to administer and implement Title IX by granting or denying development permit applications in accordance with its provisions.

9-703 Duties and Responsibilities of Mayor Regarding
Development Permits.

Duties of the Town Mayor shall include, but not be limited to:

1. Permit Review -

- (a) Review all development permits to determine that the permit requirements of this Title have been satisfied.
- (b) 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.
- (c) 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 Title, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overband 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) for the proposed development shall be required.
- (iii) If the proposed development is a building, then the provisions of this Title shall apply.

9-704 Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Title 9-602, Basis for Establishing the Areas of Special Flood Hazard, the Town Mayor shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Article IX, Specific Standards.

9-705 Information To Be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable 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:

- (a) Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
- (b) Maintain the floodproofing certifications required in Title 9-701 (3).
- (c) Maintain for public inspection all records pertaining to the provisions of this Title.

9-706 Alteration of Watercourses.

1. Notify adjacent communities and the Wyoming State Engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

9-707 Interpretation of FHBM Boundaries.

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).

ARTICLE VIII
PROVISIONS FOR FLOOD HAZARD REDUCTION--
GENERAL STANDARDS

9-801 Anchoring.

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

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- (a) 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;
- (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
- (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
- (d) Any additions to the mobile home be similarly anchored.

9-802 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.

9-803 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.

9-804 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 50 lots or 5 acres (whichever is less).

9-805 Encroachments.

Any proposed development shall be analyzed to determine effects on the flood carrying capacity of the area of special flood hazard as set forth in Title 9-703(1.)(c), Permit Review.

ARTICLE IX
PROVISIONS FOR FLOOD HAZARD REDUCTION--
SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in 9-704, Use of Other Base Flood Data, the following standards are required:

9-901 Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

9-902 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 level 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 standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Title 9-705(2.)(a)(b)(c).