



ORDINANCE NO. 545

AN ORDINANCE INTRODUCED BY THE GOVERNING BODY CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS DEFERRING SAME AND SETTING FORTH REGULATIONS IN ACCORDANCE WITH NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS AS PUBLISHED IN THE FEDERAL REGISTER, VOLUME 11, NUMBER 207, DATED OCTOBER 26, 1976.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF THERMOPOLIS:

### 1.1 AUTHORIZATION

The Legislation of the State of Wyoming has in Wyoming Statutes § 15.1-83 to 15.1-91, 1957, as amended, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Town Council of the Town of Thermopolis, Hot Springs County, 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 money for costly 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) ensuring that those who occupy the areas of special flood 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 blight areas.

### 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) provide that uses vulnerable to floods be protected against damage at the time of initial construction; 3) control the alteration of natural flood plains and protective barriers which channel flood waters; 4) controlling filling, grading, and dredging which may increase flood damage; and 5) prevent or regulate construction of flood barriers which will divert flood waters or increase flood hazards in other areas.

## GENERAL PROVISIONS

### 2.0 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 its most reasonable application.

"Appeal" means a request for a review of the Town Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"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.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"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.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"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".

"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.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a

minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets is completed on or after the effective date of this ordinance.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units, or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its sill or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its present site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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

"Substantial improvement" means any repair, reconstruction, or improvements 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 alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

## 2.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Town of Thermopolis, Hot Springs 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 Thermopolis, Wyoming, dated March, 1977, 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 Town of Thermopolis 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 liability on the part of the Town of Thermopolis, Wyoming, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result reliance on this ordinance or any administrative decision lawfully made thereunder.

## ADMINISTRATION

### 3.1 PERMIT REQUIREMENTS

A permit shall be obtained for all proposed construction and other developments including the placement of mobile homes, within Zone A on the communities FIRRM (Flood Insurance Rate Map) application for a permit shall be made on forms furnished by the Town of Thermopolis Building Inspector.

### 3.2 DESIGNATION OF OFFICER

The Town of Thermopolis Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying permit applications in accordance with its provisions.

### 3.3 DUTIES AND RESPONSIBILITIES

The duties of the Building Inspector shall include, but not be limited to the following:

3.3-1 Review all building permit applications to determine if the site of the proposed development is reasonably 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 Coordinating 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. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.1.

#### PROVISIONS FOR FLOOD HAZARD REDUCTION

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

##### 4.2 CONSTRUCTION MATERIALS

All new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be 1) constructed with materials and utility equipment resistant to flood damage; 2) methods and practices shall be used that minimize flood damage; and 3) be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of 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 waste disposal systems shall be located to avoid impairment to them or contamination from them during 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 proposed development which contain at least 50 lots or 5 acres, whichever is less.

#### 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 A Zones 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 "A" Zones on the FIRI 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 buoyancy.

### 5.4 MOBILE HOMES

5.4-1 All mobile homes to be placed within "A" Zones 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 at intermediate points, with mobile 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 4800 pounds; and 4) any additions to the mobile home be similarly anchored.

5.4-2 All mobile homes to be placed within "A" Zones, new mobile home parks and mobile home subdivisions; and for expansion to 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 percent 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 pilings 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 appropriate disaster preparedness authorities for mobile home parks and mobile home subdivisions located within "A" Zones on the communities FIRI.

5.4-4 No mobile home shall be placed in a floodway, except in any existing mobile home park or existing mobile home subdivision. The floodway is defined on the Flood Hazard Boundary Map marked Exhibit 2.

### 5.5 FLOODWAYS

Since the floodway is a hazardous area the following provisions apply 1) prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway that would result in any increase in the flood levels within the community during the occurrence of the base flood discharge; 2) all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.

## 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 a record of such certificates indicating specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the town; or, a certified copy of a local regulation containing detailed floodproofing specifications which satisfy the water-tight performance standards shall be submitted to the FIA for approval.

## VARIANCE PROCEDURE

### 6.1 APPEAL BOND

The Town of Thermopolis Planning and Zoning Commission is hereby established as the Appeal Board for the purpose of hearing requests for variances from the requirements of this ordinance and appeals when it is alleged there is an error in any decision made by the Town of Thermopolis Building Inspector in the enforcement or administration of this ordinance. Said Planning Commission will review said appeals and requests for variances and make recommendation to the Town Council for disposition of the matter. The Town Council will, after reviewing the variance request and the recommendations of the Planning Commission, vote on the matter.

Those aggrieved by the decision of the Town of Thermopolis Town Council, or any taxpayer, may appeal such decision to the District Court of the Fifth Judicial District as provided in Wyo. Stat. § 15-1-89 (h) 1957, as amended.

### 6.2 CONDITIONS FOR VARIANCE

Variances 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.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Variances may be issued if the structure is to be erected on a lot of one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.

Variances 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 existing local laws or ordinances.

The community will 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 ON FIRST READING October 4, 1977.

PASSED ON SECOND READING November 8, 1977.

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL

READING: December 5, 1977.

TOWN OF THERMOPOLIS

ATTEST:

By: George Ode  
Karl D. Allen George Ode  
Acting Mayor

Ryan B. Davis  
Dean Reavis  
Town Clerk