

TITLE 3

ADOPTION AND ENFORCEMENT OF UNIFORM CODES AND STANDARDS FOR MOBILE HOME AND MODULAR BUILDINGS

Section

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Title 3 was revised by Ordinance 862, effective 07-09-91.

3-1-1. Adoption of International Codes. - The following International codes are adopted in full, except as modified by ordinance. (*Amended by Ordinance 1155 Effective 5/12/09*)

- (a) International Building Code and the International Building Code Standards, 2006 Edition;
- (b) International Existing Building Code and the International Existing Building Code Standards, 2006 Edition;
- (c) International Residential Building Code, 2006 Edition;
- (d) International Plumbing Code, 2006 Edition;
- (e) International Fire Code and the International Fire Code Standards, 2006 Edition;
- (f) International Mechanical Code, 2006 Edition;
- (g) National Electrical Code, 2008 Edition;
- (h) Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition

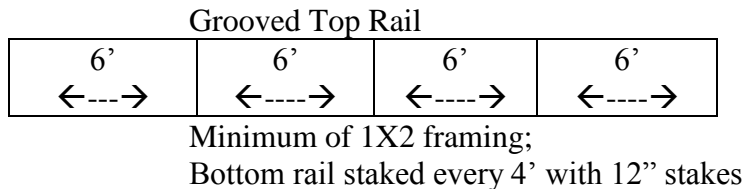
3-1-2. Copies on File. - Copies of each uniform code adopted shall be kept on file by the City Clerk and the administrative authority charged with enforcement of such codes. The copies shall be available for inspection during regular office hours.

3-1-3. Standards for Mobile Homes. -

(a) Not more than 45 days after issuance of a placement permit as provided in Section 3-1-5, every mobile home for which a placement permit is required by such Section shall comply with the following conditions:

1. The mobile home shall be placed on a permanent foundation, approved by the administrative authority before placement of the mobile home, and consisting of one of the following:
 - a. continuous 4" deep concrete pad under the entire mobile home;
 - b. a continuous 4" deep x 8" wide concrete runner placed under each I-beam support;
 - c. a perimeter footing and foundation built to conform to the adopted building code of the City of Lander; or
 - d. 24" x 24" x 6" concrete piers placed under the I-beams at intervals not greater than 10 feet.

2. The mobile home shall be skirted around its entire perimeter and water pipes shall be wrapped with heat tape or skirting shall be insulated to an "R" factor of nine.



Minimum acceptable skirting requirements shall consist of masonry, masonite, aluminum, or wood or other comparable material approved by the administrative authority. Masonry shall be installed by customary methods with suitable mortar used as the adhesive agent. Masonite, wood, or aluminum skirting shall be installed as follows:

- a. A top and bottom rail consisting of 1x2 wood stringers or equivalent. The top rail shall be attached with bolts or screws to the mobile home bottom. The bottom rail shall be attached to ground support stakes, which will be a minimum of 12" in length and spaced at four foot maximum spacing.
- b. Vertical 1x2 wood stringers or equivalent attached to the top and bottom rail by means of bolts or screws. Vertical stringers will be installed at a maximum of every six feet.
- c. Skirting material firmly fastened to the top and bottom rails as well as the vertical stringers by means of bolts or screws.

3. The mobile home shall be securely attached to the ground and ground anchors by not less than six tie-downs. Each tie-down shall be connected to a ground anchor capable of withstanding a minimum uplift of 5,000 pounds, with one tie-down connected to each corner.
4. The mobile home shall have the tongue, hitch, or other hauling apparatus adequately camouflaged so as not to detract from the overall appearance of the mobile home or the surrounding areas.
5. The mobile home shall be properly connected to all utilities according to the adopted codes of the City.
6. The mobile home shall conform to all requirements of the City Zoning Ordinance.
7. The mobile home shall conform to the adopted building code of the City concerning live loads, snow loads, and wind loads.
8. The mobile home shall have a roof system capable of withstanding a 20 pound per square foot uplift condition without buckling, flexing, or other objectionable movement. The use of externally applied weights, whether permanent or temporary, will not be allowed.
 - (a) Compliance with structural standards of this ordinance shall be evidenced at the owner's or manufacturer's expense by the signature of a registered professional engineer or the signature of an authorized representative of the manufacturer of the mobile home. The administrative authority may require any information he deems necessary from the manufacturer or owner of the mobile home for which a placement permit is being requested in order to determine if said mobile home is in compliance with this ordinance. The administrative authority, prior to the occupancy of the mobile home, may inspect such mobile home to determine if such occupancy for permanent living quarters complies with all provisions of this ordinance.
 - (b) There shall be no storage of combustible material underneath any mobile home.
 - (c) Public services shall not be extended to mobile homes hereafter located in the City unless said mobile home has been issued a mobile home placement permit by the administrative authority.
 - (d) Every mobile home, accessory building or structure except awnings shall be constructed in accordance with the applicable provisions of the adopted building codes of the City, and shall be free standing and self-

supporting and anchored to the mobile home except when constructed in conjunction with a ramada. Each room in a cabana shall have access to at least one exterior door opening to the outside without passing through the mobile home. A roof of a ramada shall have a minimum of two feet clearance over any fuel-burning appliance vent or plumbing vent, unless such vent extends through the roof of a ramada.

- (e) Travel trailers, motor homes, or truck campers may not be used as permanent dwellings units or other permanent uses on private lots within the City.
- (f) A mobile home shall not be placed on the same lot with another mobile home or another residential unit.
- (g) For the purpose of this Section 3-1-3, the following words shall have these meanings:

ACCESSORY BUILDING - Any awning, carport, cabana, storage cabinet, utility building, ramada, fence, windbreak, porch, or factory-built addition.

AWNING - A shade structure supported by posts or columns and partially supported by a mobile home, installed, erected, or used on a mobile home.

CABANA - A room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

DEAD LOAD - The weight of all permanent construction, including walls, floors, partitions, and fixed service equipment.

GROUND ANCHORS - Devices placed in the ground such as cast-in-place concrete "dead-men" eyelets embedded in concrete slabs, or runways, screw augers, arrowhead anchors, or other devices used to connect tie-downs to stabilize mobile homes.

LIVE LOAD - The weight superimposed by the use and occupancy of the mobile home including wind load and snow load but not including dead load.

LOT - A parcel of land under one ownership with a single legal description, used or capable of being used under the regulations of this ordinance and the City Zoning Ordinance, including both the building site and all required yards and other open space.

MOBILE HOME - A singular prefabricated structure designed for transportation after fabrication on streets and highways on its own wheels and chassis and arriving at the site where it is to be occupied as a dwelling complete and ready for assembly operations, for living and sleeping quarters also includes trailer homes and mobile homes used for any purpose.

MOBILE HOME PARK - A parcel or contiguous parcels of land under one ownership which has been so designated and improved that it contains two or more mobile home lots for residential use.

PERMANENT DWELLING OR PLACE OF BUSINESS - Any unit used for dwelling or business occupancy over five days in any month or over 30 days in any calendar year.

RAMADA - Any free standing roof or shade structure installed or erected above an occupied mobile home or any portion thereof.

"R" FACTOR - The thermal resistance of a material.

SITE - Any lot or parcel of property located in the City where the structure is to be located.

SKIRTING - Any type of wainscoting around the lower part of mobile homes between the ground and the exterior edge of the bottom of the mobile home, covering wheels and undercarriage.

SNOW LOADS - The weight superimposed upon the roof by the accumulation of snow and other precipitation.

TIE-DOWNS - Any device designed for the purpose of anchoring a mobile home to ground anchors.

TRAVEL TRAILER, MOTOR HOMES, TRUCK CAMPERS - Any unit designed for movement on a roadway by the use of wheels 8'0" or under in width or 32'0" or under in length and not used as a permanent dwelling or office.

WIND LOADS - The lateral or vertical pressure or uplift on the mobile home due to wind blowing in any direction.

- (i) The following mobile homes shall be exempt from the provisions of this Section 3-1-3:
 - 1. Mobile homes placed in designated mobile home parks;
 - 2. Mobile homes in commercial mobile homes sales, construction, or repair yards, not being used as a dwelling.
- (j) Mobile homes located in designated mobile home subdivisions shall be exempt from the provision of Section 3-1-3(a)1.

3-1-4. Standards for Modular and Manufactured Buildings. -

- (a) All modular or manufactured buildings located on private lots within the City shall comply with the following requirements not more than 45 days after issuance of a placement permit as provided in Section 3-1-5:
- (1) It is built on a permanent chassis and designed to be used with a permanent foundation when connected to utilities and which is constructed certified and labeled in accordance with current HUD manufactured home standards or meets all requirements of the adopted building code of the City;
 - (2) It is placed on a permanent footing, foundation that complies with the UBC with the lower perimeter enclosed;
 - (3) It has a lower perimeter enclosure which:
 - (a) meets or is attached to the lower outside edge of the manufactured home; and
 - (b) is designed to extend the vertical plane of each exterior wall of the manufactured home from its lower outside edge to the finished grade of the ground;
 - (4) It has a means of access to the undercarriage of the home by an opening of not less than five square feet, through the exterior enclosure or foundation which meets the exterior design or trim of the manufactured home;
 - (5) Any material which is used to enclose the lower perimeter is designed and constructed to withstand the effects of wind, soil pressures, decay, termites and to prevent entry by rodents;
 - (6) All tongues, towing devices, undercarriage support structure used solely for transportation to the site and wheels have been removed from the lot on which the manufactured home is situated;
 - (7) The specifications and plans for the design and construction of the foundation and utilities have been filed with and permitted by the building official;
 - (8) All lower perimeter enclosures, decks, walks, steps, handrails, sheds and accessory buildings have been permitted, inspected and approved by the building official;
 - (9) It has permanent connections to all utilities;
 - (10) All utility shutoff valves, meters and regulators are located somewhere other than underneath the structure;
 - (11) A permanent method of anchorage capable of withstanding an uplift pressure of 150 pounds per lineal foot of foundation wall between the building system and the foundation or footing;
 - (12) As used in this Section 3-1-4, "modular buildings" or "manufactured homes" shall mean a structure composed of two or more pre-assembled major building sections, fabricated at some location other than the site, which are designed as dependent units that must be joined at the site to form a usable, single, unified

structure. The joining of two independent, self-contained structures or any one independent structure, shall not constitute a modular building. A modular or manufactured home shall not include a mobile home. (*Section 3-1-4 (a) amended by Ordinance 990, Effective 9/29/97*)

- (b) As used in this Section 3-1-4, "modular buildings" shall mean a structure composed of two or more pre-assembled major building sections, fabricated at some location other than the site, which are designed as dependent units that must be joined at the site to form a usable, single, unified structure. The joining of two independent, self-contained structures, or any one independent structure, shall not constitute a modular building.

3-1-5. Mobile Home, Manufactured Home and Modular Building Placement Permits -

- (a) No person shall set up, locate, or replace a mobile home, manufactured home or modular building, as defined in Section 3-1-3 and 3-1-4, on private land in the City, or cause the same to be done, without first obtaining a permit from the proper administrative authority. An applicant for a permit shall provide the administrative authority with such written information as the authority may require to fulfill his duty to enforce any applicable codes or standards, and shall pay a fee therefore of \$100.
- (b) The administrative authority may issue a temporary mobile home placement permit during construction of a permanent facility when all of the following conditions are met:
 - 1. the mobile home will not be used as a dwelling;
 - 2. the mobile home is located on the same lot as the construction; and
 - 3. the mobile home shall be removed within 10 days of issuance of the occupancy permit.

A temporary placement permit will be exempt from Section 3-1-3 and shall be valid for not more than six months from date of issuance. A temporary placement permit may be renewed at the discretion of the administrative authority. (*Section 3-1-5 amended by Ordinance 990, Effective 9/29/97*)

3-1-6. Violations. - Violation or noncompliance with any code or standard adopted under this Title, or interference or attempt to interfere with the administrative authority charged with enforcement of such codes or standards, shall be deemed to be a violation of the Title. Any charge specifying a violation of this Title shall state the act complained of or the specific section of the code or standard not complied with. Each day of a continuing violation of this Title shall be deemed a separate offense. (*Amended by Ordinance 730, effective 6-14-82.*)

3-1-7. Administrative Authority. - The administrative authority or authorities charged with enforcement of codes and standards adopted under this Title shall be appointed by the Mayor, subject to the approval of the City Council. The administrative authority so appointed shall be certified by the A.S.B.C.I. or the State of Wyoming as a fire marshal, and shall have no interest, directly or indirectly, in

the sale or manufacture of any materials, process or device used in or in connection with building construction, repair, alterations, removal or demolition.

3-1-8. Duties and Power of Administrative Authority. - The administrative authority shall have the following duties and powers:

- (a) To require the submission of such plans and specifications for any proposed work or structure which is subject to the codes and standards adopted under this Title, as the authority may deem necessary to facilitate his inspection of such work.
- (b) To issue any permit and collect the fee therefore, whether temporary or permanent, as may be required for work or structures subject to the adopted codes and standards; temporary permits require the same fee as a permanent permit and shall be upon such terms and conditions as the administrative authority may establish.
- (c) To make periodic and final inspection and tests of all work or structures subject to the adopted codes and standards; the authority shall have the right, during reasonable hours, to enter any premises for the purpose of inspecting and testing any work or structure subject to the adopted codes and standards and to correct or render inoperable any work or structure not done in compliance with the adopted codes and standards when the person performing such work has refused to bring the work or structure into compliance within a reasonable time after notification of noncompliance by the authority, and for such purpose has the powers of a police officer. The authority shall have the right and power to require the person performing work subject to the adopted codes and standards to uncover any such concealed work for the purpose of inspection, unless the authority has failed to inspect such work within 48 hours (exclusive of holidays, Saturdays and Sundays) after receiving notice that such work is ready for inspection.
- (d) Upon request of the property owner, the authority shall inspect any work or structure not subject to the adopted codes and standards and shall issue a written statement of the changes necessary to bring the work or structure into compliance.
- (c) The authority appointed to enforce the National Electrical Code shall inspect all private and isolated electric plants (exclusive of public utility corporation plants) now in operation in the City or hereafter installed at least once each year, and shall direct and have the power to see that any dangerous condition is remedied immediately at the expense of said facility.
- (f) After inspection, the authority will leave a notice in the form of a tag attached to the work or structure stating the date and that the work or structure has passed inspection, or was found not to be in compliance with the requirements of any applicable code or standard, and whether the inspection was intermediate or final.

- (g) To order the discontinuance of an appropriate utility service to any building or structure which is subject to the adopted codes or standards, and found not to be in compliance therewith; such utility service shall not be continued until the utility supplier has received written notice from the authority stating that such utility service may be resumed; such power shall not extend to power houses and substations of electric light, heat and power companies operating under a franchise granted by the City, and equipment installed by companies operating under a Federal, State, or City franchise in the telephone, telegraph, railroad and radio transmitting industries.
- (h) The authority charged with enforcement of the National Electrical Code shall have general supervision over the placing, stringing, and attaching of telephone, telegraph, electric light or other wires, only in so far as fire prevention, accident, or injury to person or property is concerned, and any or all of such wires or electrical apparatus now existing as well as those hereafter constructed and placed, and whenever any electrical wire or other piece of electrical apparatus is or shall become defective or dangerous, the authority shall at once notify the owner or the agent of the owner of said electrical apparatus to repair or remove the wire or apparatus within a reasonable time, shall cause said wire or apparatus to be removed or repaired at the expense of said owner or agent. Failure of owner or agent to pay the costs of repairing or removing said wire or apparatus shall be deemed a violation of this ordinance.
- (i) The authority charged with the enforcement of the National Electrical Code shall have power to request any person operating electrical or other wires under any street, alley, or building to furnish an accurate and detailed statement of the number and location of all subways and manholes, and the method of operating such system. Failure to furnish such information within 15 days of request shall constitute a violation of this ordinance.
- (j) Any power or duty granted by any adopted code which is not consistent with other provisions of this Title.

3-1-9. Appeal from Actions of Administrative Authority. - Any person aggrieved by the failure or refusal of the administrative authority to issue a permit or a certificate of inspection codes and standards or from an order of the authority which is deemed to be in excess of the authority's powers may file a written petition for review with the City Clerk which is addressed to the Board of Appeals. The Board of Appeals shall consist of the members of the Board of Examiners as established in Section 13-8-4. The Clerk shall set a date for hearing of such petition, and shall give all interested parties not less than 10 days' notice of such hearing. The decision of the Board shall be final, except that the Governing Body may review such decision should good cause appear. (*Section 3-1-9 amended by Ordinance 818, effective 1-12-88.*)

3-1-10. Application of Title. - Unless otherwise stated in any code, the provisions of the codes and standards adopted under this Title 3 shall apply to all persons performing work or concerning

structures which are subject to the adopted codes and standards from and after the effective date for the adoption of each code or standard, but shall not apply to work performed prior to such effective date, nor require work or structures in existence on the effective date to be altered to comply with such codes and standards, until alterations or repairs are made, and then only to the extent of such alterations or repairs.

3-2-1 - Amendments to the International Building Code - The following amendments are made to the International Building Code, 2000 Edition:

- (a) Chapter 1, Section 106.2 Exempted Work, page 1-2, subparagraphs 1, 2, 3, 4, 5, 6, 7 & 10 are hereby repealed and subparagraphs 8, 9 and 11 are renumbered to read as follows:

Section 106.2 Exempted Work. A building permit will not be required for the following:

1. Oil Derricks;
2. Moveable cases, counters and partitions not over 5 feet high;
3. Painting, papering and similar finish work;
4. Temporary motion picture, television and theater stage sets and scenery;
5. Prefabricated swimming pools accessory to Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons;
6. Repair or maintenance work occasioned by damage from weather if the total cost of said work does not exceed \$500.00;
7. Window replacement if they are retrofit;
8. Repair and maintenance of electrical, plumbing, refrigeration, HVAC and water and sewer service;
9. Flat concrete work, if it is not a structural element;
10. Temporary signs;
11. Reroofing;
12. Siding;
13. Soffit and Facia;

Unless otherwise exempted by this Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner which violates the provisions of the Code or any other laws or ordinances of this jurisdiction. (*Section 3-2-1 Amedned by Ordinance 1047, effective 12/18/01*)

3-3-1 - Amendments to the Uniform Sign Code - The following amendments are made to the Uniform Sign Code, 1997 Edition:

- (a) Chapter 2, Section 214, page 4, is hereby amended in part, concerning the

definition of "sign" to add the following:

"Sign" shall be deemed to include signs, painted on buildings and signs in windows directed to the exterior, but only for the purpose of determining total permissible sign area.

"Sign" shall not be deemed to include signs serving a governmental function or which are required by law.

- (b) Chapter 3, Section 303, page 5, is hereby amended to repeal subpart 3 thereof, and reenact the same to read as follows:
3. A single temporary sign advertising the sale, lease or rental of the property upon which the sign is located.

- (c) Chapter 4, pages 7 through 10, is amended to create a new section 404 to read as follows:

Section 404. Height. No sign shall exceed a height of 30 feet from the established grade to the top of the sign.

- (d) Chapter 4, pages 7 through 10, is amended to create a new Section 405 to read as follows:

Section 405. Surface Area Limitations.

a. Surface area shall be computed by measuring the surface area on the largest face of the sign, but if the sign has more than two faces used for advertising, the surface area shall be the total of all faces. Individual signs consisting of letters or words which as a group form words or phrases shall be deemed to constitute one entire sign which includes the space between the individual words or phrases.

b. No single projecting sign shall exceed 80 square feet.

c. For all business premises:

1. The surface area of all pole, fin and ground signs combined shall not exceed 180 square feet, except as noted in Section 1505.

2. The area of all other signs, including printed surfaces and window signs larger than one-half square foot, shall be limited to two (2) square feet per lineal foot for each

individual side of the building.

3. Directional signs which do not contain advertising or trade names shall not be included in calculating these limitations.

- (e) Chapter 4, pages 7 through 10, is amended to create a new Section 406 to read as follows:

Section 406. General Requirements

- a. No sign shall contain any flashing or strobe type lights
- b. Moveable signs, except for those allowed by Section 1502,703, or signs advertising candidacy for political office, shall be considered as temporary signs and shall meet all requirements pertaining to temporary signs.
- c. Subsection (a) and (b) shall not apply to the part of any sign indicating time, temperature, stock market quotations or similar public services.
- d. No sign shall be placed so as to obstruct the vision of vehicular traffic, interfere or be confused with any authorized traffic sign or signal, or create glare or reflection that may constitute a traffic hazard.
- e. No illuminated sign shall be placed as to constitute a nuisance to any nearby premises. No illuminated sign may directly face any lot in a R-1, R-2, R-3 or R-4 District.
- f. All signs shall be maintained in a safe and neat condition. If they are replaced, moved or substantially altered, they shall meet the requirements of the current code.

- (f) Chapter 8, Section 803(a), page 15, is hereby amended to read as follows:

Section 803(a). Projection. Roof signs may not project over public property or beyond a legal setback line complying with the requirements specified in Section 403.

- (g) Chapter 14, Section 1401, page 21, is hereby amended to read as follows:

Section 1401(a). Projection and Clearance. A temporary sign may not project over public property or beyond the legal setback line, except that the Council may authorize temporary cloth signs to extend across public streets. Such signs shall maintain a

minimum clearance of 20 feet.

Section 1402(a). Support and Regulation.

- a. Every temporary cloth sign shall be supported and attached with wire rope of 3/8 inch diameter, or other approved material. Cloth signs shall be perforated over at least 10% of their area to reduce wind resistance. The owner of the cloth sign shall also provide proof of insurance covering damage to persons or property for the time between when the sign was installed and the sign was removed. Any cost incurred by the City of Lander due to the failure to meet the requirements of this ordinance shall be the responsibility of the sign owner.
 - b. All temporary signs shall be removed within 60 days of installation, except for real estate signs as provided for in Section 1502 hereof.
- (h) A new Chapter 15 entitled "Miscellaneous Sign Requirements" is hereby created to read as follows:

Section 1501. Name Plates and Home Occupation Signs. Only one Home Occupation sign shall be allowed and each residence occupation sign shall not exceed four (4) square feet in area. They shall not be placed higher than the building to which they are attached. Home occupation signs may only be back-lit or non-illuminated. Offpremise signs shall be allowed for home occupations as provided in Section 1504.

Section 1502. Sign Advertising Sale or Lease of Property. In all zones one temporary sign advertising the sale, lease or rental of property on which it is located is allowed. The sign shall not exceed six square feet and shall meet all other requirements for home occupation signs. This section shall apply only in residentially zoned districts.

Section 1503. Signs Identifying Conditional Uses Except for Home Occupations, one sign identifying a permitted conditional use is allowed on the building or in the lot to which it refers; the sign shall meet the requirements for home occupation signs, except that it may contain up to 20 square feet of surface area. Conditional use signs shall be set back 10 feet from any property line except in R-3 and R-MED Districts, where the setback shall be determined by the Board of Adjustment. This section shall apply only in residentially zoned districts.

Section 1504. Billboards, Off-Premise Signs. Off-premise signs are allowed to be located on the sides of Main Street buildings that advertise businesses within Lander city limits. Signs should be placed on buildings in a location that is perpendicular to, and not facing Main Street. These signs shall not exceed 3 feet X 5 feet in size. Electronic, digital and lit signs are not permitted, as these signs are a visual distraction and safety hazard to traffic on Main Street. All other off-premise signs, including billboards, are not allowed. This section shall apply only to permanent signs constructed after August 1,

1995.

- a. Section 405(c)(2) shall apply to this section. Additionally, each property shall be limited to one off-premise sign per side.
- b. All off-premise signs shall be maintained in a continued state of good repair and legible from a reasonable distance. This section shall apply to all businesses including home occupations and conditional uses.
- c. It is the business owner's and property owner's responsibility to ensure the sign meets requirements as determined by the Wyoming Department of Transportation, including formal permits and lettering requirements according to MUTCD guidelines.

Section 1505. Sign Limitations in C Districts. The following limitation shall apply to signs in a center or complex conducted within C Districts of the City:

One pole sign may be erected to identify the center or complex which shall not exceed 15 feet in width not having its bottom edge less than 15 feet above the ground. The sign may include the names of individual businesses or professionals located at the center or complex.

Section 1506. Other Residential Signs. Nothing herein shall be construed to apply to or to regulate any sign in a residential zone, except for home occupation signs, signs advertising sale or lease of property, permitted conditional use signs, political signs or off premises signs.

(i) Section 703, Page 14. Ground Signs; Projection.

Ground signs shall not be allowed except to advertise a business or product subject to the following terms:

- 1. The sign shall be placed in front the business for which the sign advertises, as provided below, the business for which the sign advertises;
- 2. If the maximum size of the sign is as follows:
 - a) If on a 12 foot wide sidewalk, the maximum size shall be 3 feet wide by 4 feet 8 inches high;
 - b) If on a sidewalk 10 feet or less in width, the maximum size shall be 2 feet wide by 4 feet high;
- 2. If the sign is placed on the sidewalk, it shall be placed at the following location thereon:

- a) Ground signs on Main Street shall be placed in the area of the sidewalk that is used for trees, bike racks or trash receptacles;
 - b) On all streets other than Main Street, the ground sign shall be next to the business front or property line and shall not impede sidewalk use.
4. Ground signs shall only be placed on the sidewalk during business hours and shall not interfere with entering or exiting parked vehicles.
 5. There shall only be permitted one ground sign per business.
 6. All ground signs shall be readable and tasteful and no fluorescent colors shall be used.
 7. Ground signs shall be of a design to stand up during severe winds, without sand bags, rock or other weight material, which shall not be used. In case of high winds, the business owner shall remove the sign from the sidewalk area.
 8. No glass shall be used on the signs and signs shall not be made of metal drum barrels.
 9. Any business owner who places a sign on the sidewalk shall do so at his own risk.
 10. Ground signs shall conform to all other provisions of Chapter 4 of the Uniform Sign Code, not inconsistent with the terms hereof.
- (j) Chapter 14, Section 1401, page 20, is hereby deleted.
- (k) Section 704 is created to read as follows:

Signs Removed –

- (1) Upon cessation of the business advertised, all signs, except those integral to a premises being sold, shall be removed within sixty (60) days. Demonstrated arrangements for early removal shall be deemed to comply with this requirement.
- (2) Non-compliance with subsection (1) above shall give the City cause to remove the sign after following thirty (30) days notice to the property owner by certified mail and thereafter to bill the owners of the property for the costs of removal. Such billing unpaid within thirty (30) days shall create a lien

upon the premises advertised. (*Section 3-3-1 was amended by Ordinance 1164 effective October 2, 2011*)

3-4-1. Amendments to Uniform Plumbing Code - The Uniform Plumbing Code, 1994 Edition, is amended as follows:

(a) Section 604.1 is amended to read:

Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials. Asbestos-cement, cpvc, pe, or pvc water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC and PB (polybutylene) water pipe and tubing may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority. Approved fittings and collar crimping tool must be calibrated or the contractor must provide calibration log for crimping tool. (*Section 3-4-1 amended by Ordinance 959, effective 12-95*)

Section 3-5-1 of the Municipal Code for the City of Lander is hereby repealed.

Section 3-6-1 of the Municipal Code for the City of Lander is hereby repealed.

Section 3-7-1 of the Municipal Code for the City of Lander is hereby repealed.

Section 3-8-1 of the Municipal Code for the City of Lander is hereby repealed.

(*Sections 3-1-1, 3-2-1, 3-3-1, and 3-9-1 have been amended by Ordinance 956, effective 9-25-95, Sections 3-4-1 - 3-8-1 have been repealed by Ordinance 956, effective 9-25-95*)

Section 3-9-1 of the Municipal Code for the City of Lander is hereby repealed. (*Repealed by Ordinance 974, effective 10-14-96*)

3-10-1. FLOOD DAMAGE PREVENTION STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS -

(a) **STATUTORY AUTHORIZATION**

The Legislature of the State of Wyoming has in Wyoming State Statute 15-1-103 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Governing Body of the City of Lander, Wyoming, does ordain as follows:

(b) FINDINGS OF FACT

(1) The flood hazard areas of Lander, Wyoming are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

(c) STATEMENT OF PURPOSE

It is the purpose of this ordinance 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 to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

(d) METHODS OF REDUCING FLOOD LOSSES - In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

3-10-2. DEFINITIONS - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(a) **ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(b) **APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(c) **AREA OF SHALLOW FLOODING** - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(d) **AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

(e) **BASE FLOOD** - means the flood having a one percent chance of being equaled or exceeded in any given year.

(f) **BASEMENT** - means any area of the building having its floor sub-grade (below ground level) on all sides.

(g) **CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(h) **DEVELOPMENT** - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(i) **ELEVATED BUILDING** - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

(j) **EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(k) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(l) **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(m) **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.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

(n) **FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(o) **FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

(p) **FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

(q) **FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(r) **FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(s) **FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(t) **FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(u) **FLOODWAY (REGULATORY 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 a designated height.

(v) **FUNCTIONALLY DEPENDENT USE** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(w) **HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(x) **HISTORIC STRUCTURE** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the

historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or;
 - b) directly by the Secretary of the Interior in states without approved programs.

(y) LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(z) LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(aa) LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building accessory storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

(bb) 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. The term "manufactured home" does not include a "recreational vehicle".

(cc) MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(dd) MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(ee) NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(ff) NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(gg) RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(hh) START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 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 part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(ii) STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(jj) SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(kk) SUBSTANTIAL IMPROVEMENT - means any 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 "start of construction" of the improvement. This 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 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."

(ll) **VARIANCE** - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(mm) **VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(nn) **WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3-10-3. GENERAL PROVISIONS

(a) **LANDS TO WHICH THIS ORDINANCE APPLIES** - The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Lander, Wyoming.

(b) **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD** - The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Fremont County and Incorporated Areas," dated September 16, 2011 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(c) **ESTABLISHMENT OF DEVELOPMENT PERMIT** - A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

(d) **COMPLIANCE** - No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

(e) **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 another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) **INTERPRETATION** - In the interpretation and application 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 statutes.

(g) WARNING AND DISCLAIMER OR LIABILITY_- The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(h) SEVERABILITY - This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

3-10-4 - ADMINISTRATION

(a) DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR - The Building Inspector and/or Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(b) DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR -Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is 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) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Wyoming Office of Homeland Security, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

(c) **PERMIT PROCEDURES** - Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be Flood proofed;

3. A certificate from a registered professional engineer or architect that the nonresidential Flood proofed structure shall meet the flood proofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

(d) VARIANCE PROCEDURES -

1. The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. 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 ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - 1) showing a good and sufficient cause;
 - 2) a 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, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a) the criteria outlined in Article 4, Section D(1)-(9) are met, and

b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

3-10-5 PROVISIONS FOR FLOOD HAZARD REDUCTION -

(a) GENERAL STANDARDS - In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or 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.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or

contamination from them during flooding.

(b) SPECIFIC STANDARDS - In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure 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. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b) The bottom of all openings shall be no higher than one foot above grade.
- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. **Manufactured Homes** –

- a) Require that all manufactured homes to be placed within Zone A on a community's FHB or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not 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.
 - b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1) the lowest floor of the manufactured home elevate to or above the base flood elevation, or
 - 2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 5. Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a) be on the site for fewer than 180 consecutive days,
 - b) be fully licensed and ready for highway use, or
 - c) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(c) **STANDARDS FOR SUBDIVISION PROPOSALS -**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) **FLOODWAYS -** Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

(e) **BELOW-GRADE RESEIDENTIAL CRAWLSPACE CONSTRUCTION -** New construction and substantial improvement of any below-grade crawlspace shall:

1. Have the interior grade elevation that is below base flood elevation no lower than two feet
2. Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceeding four feet at any point;
3. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
4. Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
5. Be constructed with materials and utility equipment resistant to flood damage;
6. Be constructed using methods and practices that minimize flood damage;
7. 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
8. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:
 - a. A minimum of two opening having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) STANDARDS FOR ZONES WITHOUT BASE FLOOD ELEVATIONS

AND/OR FLOODWAY (A ZONES) - These standards apply in Special Flood Hazard Areas where streams exist but no base flood elevation data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated.

1. When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and/or Flood insurance Rate Maps, then the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this ordinance. If data is not available from any source, only then the following provisions apply.

2. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement or crawlspace) elevated no less than two feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the constructions standards in Section A and B (3) of this article.

(g) PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 750.00 or imprisoned for not more than six months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Lander from taking such other lawful action as is necessary to prevent or remedy any violation.

(h) CERTIFICATION

It is hereby found and declared by the City of Lander that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

3-11-1. 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. (This section amended Ordinance 851, effective 12-18-90)

3-11-2. Definitions. -

"Appeal" means a request for a review of the Building Inspector and/or City Engineer's interpretation of any provisions of this ordinance or a request for a variance.

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

"Base flood" means the flood having a one percent chance of being equaled 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 Manufactured Home Park or Subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

"Expansion to an Existing Manufacture Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, either final site grading or pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary conditions 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 water from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency 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 Emergency Management Agency 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 (1) foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"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."

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

"Recreational Vehicle" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. 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 of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any 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."

"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. (Amended by Ordinance 851, effective 12-18-90)

3-12-1. Lands to which this Ordinance Applies. - This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Lander, Wyoming.

3-12-2. Basis for Establishing the Areas of Special Flood Hazard. - The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Lander, Wyoming," dated March, 1978, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at City Hall, 240 Lincoln Street, Lander, Wyoming.

3-12-3. Compliance. - No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

3-12-4. 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 another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

3-12-5. Interpretation. - In the interpretation and application 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 statutes.

3-12-6. Warning and Disclaimer of Liability. - The degree of flood protection required by this ordinance 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 ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Lander, Wyoming, 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. *(Amended by Ordinance 851, effective 12-18-90)*

3-13-1. 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 3-12-2. Application for a development permit shall be made on forms furnished by the Building Inspector and/or Engineer and may include, but not be limited to:

Plans in duplicate drawn to the 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 flood proofed;
- 3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 3-14-2.2; and,
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3-13-2. Designation of the Building Inspector and/or Engineer. - The Building Inspector and/or Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

3-13-3. Duties and Responsibilities of the Building Inspector and/or Engineer. - Duties of the Building Inspector and/or Engineer shall include, but not be limited to:

3-13-3.1. Permit Review. -

- 1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- 2) Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.

- 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 3-14-3(1) are met.

3-13-3.2. Use of Other Base Flood Data. - When base flood elevation data has not been provided in accordance with Section 3-12-2, Basis for Establishing the Areas of Special Flood Hazard, the Building Inspector and/or Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 3-14-2. Specific Standards.

3-13-3.3. 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 flood proofed structures:
 - (i) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
 - (ii) Maintain the flood proofing certifications required in Section 4.1(3).
 - (iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

3-13-3.4. Alteration of Watercourses. -

- 1) Notify adjacent communities and the Wyoming Emergency Management Agency 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.

3-13-3.5. Interpretation of FIRM 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). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 3-13-4.

3-13-4. Variance Procedure. -

3-13-4.1. Appeal Board. -

- 1) The Lander Board of Adjustment, as established by the City of Lander, Wyoming, shall hear and decide appeals and request for variances from the requirements of this ordinance.
- 2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector and/or Engineer in the enforcement or administration of this ordinance.
- 3) Those aggrieved by the decision of the Board of Adjustment or any taxpayer, may appeal such decisions to the District Court of Fremont County, Wyoming, as provided in Wyoming State Statutes 15-1-707(b).
- 4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a water front location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed uses with the existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

- 5) Upon consideration of the factors of Section 3-13-4.1(4) and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 6) The Building Inspector and/or Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

3-13-4.2. Conditions for Variances. -

- 1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
- 2) 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.
- 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 3-13-4.1(4) or conflict with existing local laws or ordinances.
- 6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below

the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Amended by Ordinance 851, effective 12-18-90)

3-14-1. Provisions for Flood Hazard Reduction; General Standards. - In all areas of special flood hazards, the following standards are required:

3-14-1.1. 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 are not 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 50 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 50 feet long requiring four additional ties per side;
 - (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - (iv) any additions to the manufactured home be similarly anchored.

3-14-1.2. 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.

3-14-1.3. 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.

3-14-1.4. 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).

3-14-2. Specific Standards. - In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3-12-2, Basis for Establishing the Areas of Special Flood Hazard or Section 3-13-3.2, Use of Other Base Flood Data, the following provisions are required:

3-14-2.1. Residential Construction. - New construction and substantial improvement of any residential structure shall have the lowest flood (including basement) elevated to or above the base flood elevation.

3-14-2.2. Non-residential Construction. - New construction and substantial improvement of any commercial, industrial or other non-residential 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 flood proofed so that below the base flood elevation 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 design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 4-13-3.3(2).

3-14-2.3. Manufactured Homes. -

- 1) Manufactured homes shall be anchored in accordance with Section 3-14-1.1(2).
- 2) All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - a) Require that manufactured homes that are placed or substantially improved on a site,
 - (i) outside of a manufactured home park or subdivision,
 - (ii) in an expansion to an existing manufactured home park or subdivision,
 - (iii) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.
 - b) Require that manufactured homes to be placed or substantially improved on sites in the existing manufactured home parks or subdivisions that are not subject to the provisions in (a) above be elevated so that either
 - (i) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced

piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

3-14-2.4. Recreational Vehicles. - Require that recreational vehicles either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

3-14-3. Floodways. - Located within areas of special flood hazard established in Section 3-12-2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1) Prohibit encroachment, including fill, new construction, substantial improvements, and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2) If Section 3-14-3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3-14 Provisions for Flood Hazard Reduction. *(Sections 3-10-1 through 3-14-3 created by Ordinance 851, effective 12-18-90.)*