

## TITLE 5

### PUBLIC HEALTH AND SAFETY

#### Chapters:

5-5	Public Nuisances
5-15	Fire Prevention
5-20	Fire Department
5-25	Junk and Junk Vehicles
5-30	Flood Prevention

#### Chapter 5

### PUBLIC NUISANCES

#### Sections:

5-5-100	Nuisance Defined
5-5-110	Nuisance Prohibited
5-5-120	Offensive Discharges
5-5-130	Offensive Stable or Barn
5-5-140	Offensive Drains and Ditches
5-5-150	Street and Sidewalk Obstructions
5-5-160	Firewood
5-5-170	Open Excavations
5-5-180	Junk and Trash
5-5-190	Unlicensed, Inoperable or Junk Vehicles
5-5-200	Care and Maintenance of Right-of-way Adjacent to Private Property
5-5-210	Citizen Complaint Required – Exceptions
5-5-220	Search Warrant and Right of Entry
5-5-230	Notice to Abate Nuisance-Contents and Procedure
5-5-240	Notice to Abate Nuisance – Compliance Required
5-5-250	Hearing Procedure
5-5-260	Removal – Voluntary Consent – Affidavit
5-5-270	Abatement by Town
5-5-280	Costs of Abatement
5-5-290	Penalties

**5-5-100. Nuisance Defined.** A “nuisance” means any use or nonuse of property, real or personal, which produces to others a material injury, annoyance, inconvenience or discomfort, and which endangers life or health, or gives offense to the senses of persons. (Ord. 236, 2009)

**5-5-110. Nuisance Prohibited.** It shall be unlawful for any person to maintain or permit the existence of any nuisance upon any property located within the corporate limits of this Town. (Ord. 236, 2009)

Ranchester 1/2014

**5-5-120. Offensive Discharges.** It shall be deemed a nuisance for any person to discharge or permit to flow from his property or any operation on his property any foul or offensive liquid, gas, solid, odor, or other substance into or on any adjacent property, street, alley, or public place. (Ord. 236, 2009)

**5-5-130. Offensive Stable or Barn.** It shall be deemed a nuisance for any owner or occupant of any stable or barn in the Town to cause or allow such stable or barn to become foul, offensive, or injurious to the public health. (Ord. 236, 2009)

**5-5-140. Offensive Drains and Ditches.** It shall be deemed a nuisance for any person to cause or permit any cellar, private drain, ditch, pool, privy, sewer, or other thing to place upon any premises within the Town belonging to or occupied by him to become foul, offensive or injurious to the public health. (Ord. 236, 2009)

**5-5-150. Street and Sidewalk Obstructions.** It shall be deemed a nuisance for any person to place or cause to be placed any obstruction, including, but not limited to, boxes, barrels, kegs, earth, sand, rocks, snow, ice, slush or any other material or item into or on any street, sidewalk, alley, or town right-of-way. (Ord. 236, 2009)

**5-5-160. Firewood.** It shall be deemed a nuisance for any person to stack or store firewood in that person's front yard. It shall not be deemed a nuisance for any person to stack or store firewood in that person's back yard cut to a length of no more than two (2) feet six (6) inches and stacked in a neat and orderly pile no greater than five (5) feet in height. (Ord. 236, 2009)

**5-5-170. Open Excavations.** It shall be deemed a nuisance for any owner or occupier of land to leave any well, cellar or other excavation situated upon his land in an open or uncovered condition, or in such condition as may cause danger to life or property. (Ord. 236, 2009)

**5-5-180. Junk and Trash.**

(a) "Junk" is defined as furniture, appliances, metal products, wood pilings, rubber and plastic products, cardboard or paper pilings, discarded bricks and concrete and other products or materials which are no longer in use for their intended purpose, or any other reasonable purpose, and which are clearly visible from any adjoining lot, street or alley. "Junk" does not include firewood, if such firewood is cut to a length of no more than two (2) feet six (6) inches and stacked in a neat and orderly pile no greater than five (5) feet in height.

b) "Trash" is defined as dead plants or grass pilings, separated tree limbs, trunks or other vegetation which have no reasonable aesthetic value or other reasonable purpose and which are clearly visible from any adjoining lot, street or alley. "Trash" does not include residential noncommercial composting of trash generated at a residence, provided the composting is conducted in such a manner and at a location that it does not pose a significant health risk or offend persons.

c) Except as otherwise stated in 5-5-190 of this Chapter, all junk and trash within the Town is a nuisance. (Ord. 236, 2009)

**5-5-190. Unlicensed, Inoperable or Junk Vehicles:**

Ranchester 1/2014

- a) “Junk Vehicle” means any vehicle in any of the following conditions:
  - 1) A vehicle with any of its tires (which would under normal operating conditions be in contact with the road) missing or deflated for more than twenty-four (24) hours;
  - 2) A vehicle, which is totally or partially suspended above the ground by jacks, blocks or other devices for more than seven days.
  - 3) A vehicle which does not display a current license plate, tag or valid permit, except those in possession of licensed dealers for the purpose of sale at the place licensed for sale; and
  - 4) A vehicle on which any component of the vehicle has been removed or is inoperable so as to render the vehicle more than temporarily inoperable for more than seven days.
- b) “Unsheltered” means located outside a garage or other building and visible upon any public street, alley, sidewalk, right-of-way, or adjoining piece of property. Items stored entirely within an enclosed garage or completely shielded by a wall or fence and not visible from the street or other public or private property shall be considered sheltered.
- c) Except as otherwise stated in 5-5-190 of this Chapter, any unsheltered junk vehicle within the Town is a nuisance.
- d) “Vehicle” means every device, in, upon, or by which any person or property is or may be transported or drawn upon a public street, alley, or highway, including without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors and other farm implements, snowmobiles, dune buggies and other off-road vehicles, transportable homes not installed on a permanent foundation and not taxable as real property, and any other device which must be licensed and/or registered as a vehicle. (Ord. 247, 2011; Ord. 236, 2009)

**5-5-200. Care and Maintenance of Right-of-Way Adjacent to Private Property.** It shall be the duty of every owner or occupier of private property to care for and maintain the right(s)-of-way adjacent to their property. Care and maintenance includes mowing, weed control, trees, shrubs, vines, removal of refuse and trash, and removal of hazardous conditions. For purposes of this Section, adjacent right-of-way includes the area from the adjacent street curb to the owner’s or occupier’s property and the area from the traveled portion of the alley to the owner’s or occupier’s property. (Ord. 236, 2009)

**5-5-210. Citizen Complaint Required – Exceptions.** A written citizen complaint, filed pursuant to 3-5-150, is required before the Town Marshall may issue a notice and citation for any nuisance provided in this Chapter, excepting only the Town’s Junk and Trash Ordinance (5-5-170) and the Town’s Junk Vehicle Ordinance (5-5-180). In the case of a violation of the Town’s Junk and Trash Ordinance (5-5-170) and the Town’s Junk Vehicle Ordinance (5-5-180), the Town Marshall is authorized to issue a notice to abate and issue a citation absent a citizen complaint if he/she has reason to believe a violation has occurred. (Ord. 236, 2009)

**5-5-220. Search Warrant and Right of Entry.**

- a) The Town Marshall or other subordinate police officers may make application to the municipal court for authority to enter upon land to examine the premises for the purpose of making a determination as to whether a violation of this Chapter has occurred and/or securing information as to the identity of the person(s) in control of the land where the violation has occurred.

- b) The municipal court has authority to issue search warrants and other process necessary to enforce this Chapter.
- c) A warrant shall issue only on affidavit sworn to before the municipal judge, which establishes the grounds for issuing the warrant. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a warrant particularly identifying the purpose of the search and naming or describing the place to be searched. The warrant shall be directed to the Town Marshall or any other officer authorized to enforce or assist in enforcing this Municipal Code. The warrant shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. The warrant shall command the officer to search, within a specified period of time not to exceed ten (10) days, the property specified. The warrant shall direct that it be served during the daytime, unless the municipal court, by appropriate provision in the warrant and reasonable cause shown, authorizes its execution at other times. (Ord. 236, 2009)

**5-5-230. Notice to Abate Nuisance – Contents and Procedure.**

- a) Whenever a citizen of the Town files a written complaint pursuant to 3-5-150 concerning an alleged violation of this Chapter, the Town Marshall shall investigate the alleged violation. If the Town Marshall has reason to believe that the alleged violation constitutes a nuisance as defined by this Chapter, the Town Marshall shall provide notice to the alleged violator. In the case of an alleged violation of the Town's Junk and Trash Ordinance (5-5-170) or the Town's Junk Vehicle Ordinance (5-5-180), the Town Marshall may issue a notice to abate absent a citizen complaint if he/she has reason to believe a violation has occurred.
- b) In the event that notice, as provided in subsection (a) of this section, cannot be given to the alleged violator, then notice of the violation shall be published in a newspaper of general circulation in the County one time per week for two consecutive weeks. The notice of publication shall contain the same information required in the notice described in subsection (c) of this section.
- c) The notice to abate shall include the following information:
  - 1) Citation to the applicable provision(s) of the Town of Ranchester Municipal Code;
  - 2) A description of the real property, by street address or otherwise, on which the nuisance exists;
  - 3) The date of the inspection of the property;
  - 4) A statement which clearly and concisely describes the nuisance that was observed on the property, including, if applicable, a brief description of any vehicle which might be considered part of the violation;
  - 5) A statement that the nuisance must be abated within five (5) days from the date on the notice;
  - 6) A statement that if the nuisance is not abated within the time provided, the Town may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or
  - 7) A statement that the alleged violator has the right to request a hearing before the municipal court to determine the existence of the alleged nuisance by giving written notice to the Town clerk within five (5) days from the date on the notice, and that the right to a hearing shall be waived if not so requested. (Ord. 236, 2009)

**5-5-240. Notice to Abate Nuisance – Compliance Required.**

- a) It shall be the duty of any person receiving notice of any nuisance as provided in this Chapter to comply with the provisions of the notice and to abate such nuisance within five (5) days after the date on the notice. Failure to abate the nuisance within five (5) days without just cause is declared unlawful and shall constitute a misdemeanor. Each day the nuisance persists beyond the five (5) day abatement period shall constitute a separate violation.
- b) It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this Chapter, to remove any junk or junk vehicle from private property to any other private property upon which storage is prohibited, or onto any public property. (Ord. 236, 2009)

**5-5-250. Hearing Procedure.**

- a) A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the Town clerk within five (5) days from the date of the notice to abate. Such request shall identify the property upon which the alleged nuisance exists and the requesting party's name and address. If the alleged violator does not request a hearing as provided, the right to a hearing shall be deemed waived.
- b) In the event any nuisance as defined by this Chapter remains unabated for more than five (5) days after the date on the notice to abate, the Town Marshall or his/her representative is authorized to abate the nuisance and/or remove or cause the removal of the material or item which constitutes the nuisance; provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon resolution or order of the municipal court.
- c) In the event a request for hearing is filed as provided, a hearing shall be held before the municipal court. Notice of the time, place and hour of the hearing shall be sent at least ten (10) days in advance of the hearing to all known parties. At such hearing, the alleged violator shall be given the opportunity to appear, with counsel if desired, and may present evidence.
- d) If the municipal court confirms the existence of a nuisance at the hearing, the municipal court may resolve or order that the Town Marshall or his/her representative remove or otherwise abate the nuisance. In the event a nuisance is confirmed, administrative and removal costs may also be assessed. If it is found that a nuisance does not exist, abatement authority shall be denied and costs shall not be assessed. (Ord. 236, 2009)

**5-5-260. Removal – Voluntary Consent – Affidavit.** The author of a nuisance may voluntarily consent to its removal by the Town. To give such consent, all responsible persons of the property shall execute an affidavit in a form acceptable to the Town attorney stating that there are no other responsible person(s) of the property or lien holders having a security interest in the property; that the responsible person(s) waive the right to a hearing under 5-5-240 of this Chapter; that the responsible person(s) will reimburse the Town for the actual costs of removal and administrative overhead attributable to removal; and that reimbursement will be made to the Town within thirty (30) days of removal. The affidavit shall contain an agreement by the responsible person(s) to indemnify the Town for any loss, damage or expense alleged by any person as a result of removal or disposal. The affidavit shall release the Town from any and all liability on account of the removal and disposal of a nuisance. (Ord. 236, 2009)

**5-5-270. Abatement by Town.**

- a) In the event that a public nuisance is not abated during the time period established in the notice to abate or the time period established by the municipal court after a hearing, then the Town shall have the right to enter the property and abate the public nuisance found thereon. The Town shall make an effort to abate the nuisance in the least destructive or intrusive manner as is reasonable under the circumstances.
- b) Any materials or items removed or salvaged by the city in the abatement of the public nuisance maybe sold for salvage and the proceeds deposited into the general account of the Town. Those funds shall be applied to offset the cost of the abatement and fines incurred, with any excess funds being sent to the owner of the property. (Ord. 236, 2009)

**5-5-280. Costs of Abatement.**

- a) After compilation of the costs and charges incurred by the Town for the abatement of the public nuisance, offset by any receipt of funds for salvaged materials, the Town shall mail by certified mail to the owner or occupant of the property a statement of the outstanding balance owed by the owner or occupant to the Town for the nuisance abatement. Such balance shall be due and owing not more than thirty (30) days following the mailing of the notice.
- b) The Town council shall, from time to time, determine and fix an amount to be assessed as administrative costs in relation to enforcement of this Chapter. This administration cost may be set as a fixed sum per removal or as a percentage of the actual cost of removal. The Town shall be entitled to recover from the owner of the property this administration cost in addition to the actual costs of removal and abatement, as determined by subsection (a) of this section.
- c) If payment in full is not received by the Town within ten (10) business days from the time the statement became final, then the statement shall be entered as a lien against the property and filed with the Sheridan County Clerk of Record. (Ord. 236, 2009)

**5-5-290. Penalties.**

- a) Any violation of the provisions of this Chapter or failure to meet any duty imposed by this Chapter shall constitute a misdemeanor offense and upon conviction, the violator may be fined an amount not to exceed \$750.00. Any fine imposed for a violation of this Chapter shall be in addition to the actual costs incurred by the Town to abate the nuisance.
- b) A misdemeanor charge shall not be filed unless a notice to abate pursuant to 5-5-220 of this Chapter has been issued to the owner or occupant or posted on the property, and the owner or occupant ha failed to abate the nuisance within the time specified in the notice to abet. (Ord. 236, 2009)

**TITLE 5**  
**PUBLIC HEALTH AND SAFETY**

**Chapter 15**

**FIRE PREVENTION**

Sections:

5-15-140	Storage of Gunpowder
5-15-160	Burning Prohibited
5-15-170	Burning of Garbage Prohibited
5-15-180	Ash Disposal
5-15-190	Disposal of Combustibles
5-15-200	Stacking Hay or Straw
5-15-210	Weeds and Grass
5-15-220	Gasoline Storage
5-15-220.	Portable Fire Pits; Outdoor Fireplaces

**5-15-140. Storage of Gunpowder.** No person shall keep in his or her place of business or elsewhere within the Town of Ranchester a greater quantity of gunpowder or guncotton than 50 pounds at any one time and the same shall be kept in metallic canisters or cases containing not to exceed 25 pounds in each case, and so placed that they may be easily removed in case of fire; and no person shall sell, weigh or measure any gunpowder, guncotton, or kerosene after lamplight except in sealed canisters or cases. Provided, that the Town Council may grant a permit for storing and keeping of a greater quantity of gunpowder or guncotton within the limits of this Town in a fireproof house. Any person violating the provisions of this section shall on conviction be fined no more than \$750.00. (Ord. 238, 2010; Ord. 22, 7/1913)

**5-15-160. Burning Prohibited.** No straw, chips, shavings, or other combustible materials shall be set on fire or burned in any street or alley abutting lots within the limits of Town of Ranchester in Block 2, Block 3 and Block 4 or lot within 40 feet of any building in said Block 2, Block 3, and Block 4 or lot within 40 feet of any building in said Block 2, Block 3, or Block 4 in said Town, except that blacksmiths may be allowed to set fires within a less distance, and then only in the day time when the wind is not blowing and with the permission of the Fire Town Marshall Warden, under penalty of a fine of \$750.00 \$5.00 to be recovered of any person directing or causing the same to be done. (Ord. 22 §9, 1913)

**5-15-170. Burning of Garbage Prohibited.** It shall be unlawful for any person to burn or cause to be burned any garbage, waste, packing material, trash, discarded boxed, or other materials within the Town limits of the Town of Ranchester. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more that \$750.00 plus costs. (Ord. 238, 2010; Ord. 69, 1973)

Ranchester 1/2014

**5-15-180. Ash Disposal.** No ashes shall be kept or deposited in any part of the Town of Ranchester, except for the purposes of garbage pick-up by the Town of Ranchester Sanitation Department. When leaving ashes for pick-up by the Town of Ranchester Sanitation department, ashes must be deposited for disposal in a plastic trash bag, and placed in a garbage receptacle approved by the Town of Ranchester Sanitation Department. Any person violating the provisions of this Section shall be subject to a fine of not more than \$750.00. (Ord. 238, 2010; Ord. 22, 10/1913)

**5-15-200. Stacking Hay or Straw.** No person shall put any hay, straw, feed or other combustible material in stacks or piles within the Town of Ranchester. Any person violating the provisions of this Section shall be subject to a fine of not more than \$750.00. (Ord. 238, 2010; Ord. 22, 12/1913)

**5-15-210 Weeds and Grass.** No owner, lessee, or occupant, or any agent, servant, representative, or employee of any such owner, lessee or occupant, having control of any lot of ground, or any part of any lot, within the Town of Ranchester shall allow or maintain on any such lot any growth of weeds or grass of a height to exceed twelve (12) inches in height. Any person violating the provisions of this Section shall be subject to a fine of not more than \$750.00. (Ord. 238, 2010; Ord. 121, 1979)

**5-15-220. Gasoline Storage.**

- a) No gasoline or other flammable or combustible liquid, except propane, shall be stored in containers larger than 110 gallons in residential zones within the Town of Ranchester.
- b) In all other zones storage larger than 110 gallons shall be approved by the Town of Ranchester through a permit process. The approval of this permit shall require recommendation of the planning commission and approval of the Town Council. The Town Council may reject storage permits based on any findings including aesthetics. Permits shall not be reviewed until all county, state and federal regulations and permits are met, acquired and submitted to the Town.
- c) This code shall not apply to above-ground storage tanks with a capacity of 1,000 gallons or less used for storage of LP gas. Underground fuel storage tanks needed for service stations in non-residential zones shall be allowed through the building permit process if all county, state and federal regulations and permits are met and submitted. (Ord. 250, 2012)

**5-15-230. Portable Fire Pits; Outdoor Fireplaces.**

Section 1. Provisions. That Title 5, Chapter 15 will now include Section 230: Portable Fire Pits; Outdoor Fireplaces, to read as follows:

- a) The portable fire pit shall be three feet (3') or less in diameter and equipped with a cover or screen to prevent the emission of sparks or embers. A permanent outdoor fireplace structure must have screens or doors and spark arrester to prevent the emission of sparks or embers.
- b) The portable fire pit must be a minimum of ten feet (10') from any combustible structure.
- c) A portable fire extinguisher or fire hose shall be immediately available for use in the area of the fire.

Ranchester 1/2014



d) The fire shall be constantly attended. The fire must be cold to the touch when pit or fireplace is extinguished.

e) The fire shall be for recreational purposes only. No trash, yard waste or similar debris may be burned in either a fire pit or an outdoor fireplace.

f) No pits shall be dug and used as a fire pit; only portable fire pits will be allowed or permanent outdoor fireplaces. No bonfires are allowed.

g) Smoke that causes objectionable conditions is prohibited (smoke entering or drifting towards occupied structures).

h) The Ranchester volunteer fire department retains the authority to require the fire to be extinguished for cause.

I. Should the portable fire pit or an outdoor fireplace start a fire that requires the Ranchester volunteer fire department to respond to the property, the landowner will be responsible for all suppression costs associated with putting out the fire.

J. Sheridan County, Wyoming, typically enacts restrictions on open burning in late July or early August. The restrictions enacted by the Sheridan County fire warden shall apply to all portable fire pits and outdoor fireplaces within the Town of Ranchester.

Section 2. Violation; Penalty: Any person found responsible for failure to comply with the provisions of this chapter shall be subject to a fine not to exceed one hundred dollars (\$100.00) and an order of compliance of such violation.

(Ord. 257, 2013; Ord. 250, 2012; Ord. 238, 2010; Ord. 164, 1991; Ord. 157, 1986)

**TITLE 5**  
**PUBLIC HEALTH AND SAFETY**  
**Chapter 25**  
**JUNK AND JUNK VEHICLES**

**Sections:**

5-25-100	Definitions
5-25-110	Storage of Junk and Junk Vehicles Prohibited
5-25-120	Keeper Considered Owner
5-25-130	Exceptions
5-25-140	Notice to Remove
5-25-150	Penalty
5-25-160	Removal From Property
5-25-170	Notice of Removal
5-25-180	Disposition of Vehicles
5-25-190	Redemption of Impounded Vehicles
5-25-200	Liability of Owner or Occupant

**5-25-100. Definitions.** For the purposes of this Chapter, the following words and phrases shall have the following definitions.

(a) “Junk” includes any iron, glass, paper, rags, cordage, wood, machinery parts, cloth, or any other manufactured item which by reason of partial or complete disassembly or dilapidation is unable to perform the function or purpose for which it was originally constructed, any other waste or discarded material of any nature or substance whatsoever, and any scrap or salvage materials or manufactured thing which is held for scrap or salvage purposes. “Junk” does not include firewood in individual lengths which are stacked.

(b) “Junk Vehicle” means any motor vehicle that is:

(1) A self propelled vehicle that is inoperable to the extent that is unable to perform its intended function; or

(2) Partially or wholly dismantled, in particular, motor vehicles which have had the motor or tires removed, the rear end dismantled, or any part missing, so as to be incapable of operating under its own power for any reason whatsoever; or

(3) Junked and intended to be recycled or scrapped, or

(4) An operable vehicle which does not display a current license plate, tag or valid permit, except those in possession of licensed dealers for the purpose of sale at the place licensed for sale;

(c) “Covered” means that the vehicle has securely attached to it some form of material or tarp so as to hide, shield, or otherwise protect the vehicle from view and accidents, and the covering is maintained in a state of good repair.

(d) “Unsheltered” means located outside a garage or other building, or outside a 72 inch wall or fence and visible to a person standing upon any public street, alley, or right-of-way or to any person standing at ground level upon any adjoining piece of property.

Ranchester 1/2014

(e) "Safe Condition" means that a vehicle is kept in such a condition including, but not limited to the following:

(1) The vehicle must be removed from jacks or other blocking materials that would otherwise permit the vehicle to fall.

(2) The vehicle does not create a condition where a person or animal could become trapped inside or underneath.

(3) There be no sharp metal or glass, where a person may be easily cut, punctured, or otherwise injured.

(f) "Vehicle" means any vehicle originally designed or constructed to be self propelled, regardless of whether it contains an engine at any other time, including without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors and other farm implements, snowmobiles, dune buggies, and other off road vehicles, or any other vehicle which must be licensed and registered as a vehicle, trailer, or transportable home which is not installed on a permanent foundation and which is not taxable as real property.

(Ord. 210; 2001; Ord. 181 §2, 1996)

**5-25-110. Storage of Junk Prohibited.** It shall be unlawful for any person to store, or allow or permit the storage of, unsheltered junk and/or junked vehicles upon any real property within the Town which he/she owns, leases, rents, occupies and/or exercises control over or to place or leave any junk or junk vehicle upon any public property within the Town of Ranchester. In the enforcement of any of the provisions of this title, officers of the town are authorized to enter the premises of any person and ascertain and secure compliance with the provisions of this title. (Ord. 210, 2001; Ord. 181 §3, 1996)

**5-25-120. Keeper Considered Owner.** Any person who shall keep, place, or permit any junk vehicle on or about his/her premises shall be considered the owner of such junk vehicle and responsible therefor under the terms of this Chapter. (Ord. 210, 2001)

**5-25-130. Exceptions.** This Chapter shall not apply to:

(a) The storage of junked vehicles incident to an automobile sales, towing, storage or repair business operated commercially for profit and in compliance with all applicable law;

(b) The storage of junk and/or junk vehicles incident to a salvage yard business operated commercially for profit and in compliance with all applicable law; and

(c) The storage of one junk vehicle, on real property, provided that it is covered and maintained in a safe condition. (Ord. 210, 2001; Ord. 181 §3, 1996)

**5-25-140. Notice to Remove.** Whenever it comes to the attention of the Maintenance Supervisor, Law Enforcement, or Mayor that any junk or junk vehicle as defined in Section 5-25-100 of this Chapter exists in the Town of Ranchester, a written warning shall be issued to the occupant of the land where the junk or junk vehicle exists, or in the case there is no such occupant, then upon the owner of the property or his/her agent, notifying them of the existence of the junk or junk vehicle and requesting its removal within 10 days of receipt of the notice. (Ord. 221, 2005; Ord. 210, 2001; Ord. 181 §4, 1996)

**5-25-150. Penalty.** Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$750.00

Ranchester 1/2014

and shall be ordered to remove the junk or junk vehicle from the premises. Each act in violation of any of the provisions hereof shall be deemed a separate offense. (Ord. 210, 2001; Ord. 181 §4, 1996)

**5-25-160. Removal of Vehicle From Property.** If the violation has not been remedied in accordance with an order from the municipal court, the mayor or his/her designee shall have the right to take possession of the junk or junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing junk or junk vehicles under the provisions of this Chapter. (Ord. 210, 2001)

**5-25-170. Notice of Removal.** Within 48 hours of the removal of such junk or junk vehicle, the mayor or his/her designee shall give notice by certified mailing to the registered owner of such junk vehicle, if known, and also to the owner or occupant of the private property from which the junk or junk vehicle was removed, that said junk vehicle, or vehicles, has been impounded and stored for violation of this article. The notice shall give the location of where the vehicle, or vehicles, is stored, and the costs incurred by the Town of Ranchester for removal. (Ord. 210, 2001)

**5-25-180. Disposition of Junk and Junk Vehicles.** Any junk removed under the provisions of this chapter shall be taken to the Sheridan County Landfill, and disposed of there. Any junk vehicle removed by the Town of Ranchester under the provisions of this chapter may, after expiration of 30 days have passed after notice of removal has been given, be disposed of in accordance with the provisions of the Wyoming Statutes on abandoned vehicles. (Ord. 210, 2001)

**5-25-190. Redemption of Impounded Vehicles.** The owner of any junk vehicle seized under the provisions of this chapter may redeem such junk vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town Clerk for towing fees and storage. (Ord. 221, 2005; Ord. 210, 2001)

**5-25-200. Liability of Owner or Occupant.** Upon failure of the owner or occupant of property on which junk vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property for the amount of such expenses. (Ord. 210, 2001)

**TITLE 5**

**PUBLIC HEALTH AND SAFETY**

**Chapter 30**

**FLOOD DAMAGE PREVENTION ORDINANCE**

AN ORDINANCE OF THE TOWN OF RANCHESTER A MUNICIPAL CORPORATION OF THE STATE OF WYOMING ESTABLISHING PURPOSE AND AUTHORITY; PROVIDING DEFINITIONS; PROVIDING APPLICABILITY; REQUIRING PERMITS; PROVIDING FOR ADMINISTRATION, PERMIT PROCESSING AND THE AUTHORITY OF THE ADMINISTRATOR; PROVIDING SUBDIVISION, CONSTRUCTION, MANUFACTURED HOME, RECREATIONAL VEHICLE, AND FLOODWAY STANDARDS; PROVIDING VARIANCE AND APPEAL PROCESSES AND CRITERIA; PROVIDING THAT A VIOLATION IS A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR JAIL NOT TO EXCEED ONE HUNDRED EIGHTY DAYS, OR BOTH; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

IT IS ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF RANCHESTER, WYOMING AS FOLLOWS:

**I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES**

**A. Statutory Authority**

The Legislature of the State of Wyoming in W.S. 15-1-503 authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

**B. Findings of Fact**

The flood hazard areas of Town of Ranchester are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities. Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.

**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) Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

Ranchester 1/2014

- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
- (5) Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

#### **D. Objectives**

The objectives of this ordinance are to:

- (1) Protect human life, health and property;
- (2) Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
- (4) Minimize expenditure of public money for costly flood control projects;
- (5) Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;
- (6) Minimize prolonged business interruptions.

## **II. DEFINITIONS**

Unless specifically defined in Article I I , words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage.

"Accessory structure" means a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure. An insurable building should not be classified as an accessory or appurtenant structure.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

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

"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. Zone designations on FIRMs include the letters A, AE, V. Also known as the Special Flood Hazard Area (SFHA).

"Base Flood" means the flood having a one percent chance of being equaled or exceeded each year.

Also known as the "Regulatory Flood."

"Base Flood Elevation CBFEBV means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

"Basement" means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

"Building" see "Structure."

"Critical Facility" means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.

"Datum" The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

"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, drilling operations, and storage of equipment or materials.

"Digital FIRM (DFIRM)," means Digital Flood Information Rate Map. It depicts flood risk and zones and flood risk information The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

"Existing Construction" means a structure for which the "start of construction" commenced before January 16, 2014.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where 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 final site grading or the pouring of concrete pads) is completed before January 16, 2014.

"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.

"Federal Emergency Management Agency (FEMA)" is the agency with the overall responsibility for administering the National Flood Insurance Program.

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

(a) the overflow of inland or tidal waters; or

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

"Flood Fringe" means the portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration or U.S. Department of Housing and Urban Development, where the boundaries of areas of special flood hazard have been designated as Zone A. The FHBM usually is the initial flood hazard map.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

"Floodplain" means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe.

"Flood Proofing" means any combination of structural and nonstructural 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.

"Flood Protection Elevation" means Base Flood Elevation.

"Floodway (Regulatory Floodway)" means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed.

"Functionally Dependent Facility" means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG related to building elevation information.

"Historic Structure" means a structure that is:

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

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.

(c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or

(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

"Letter of Map Change (LOMCV means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are issued in the following categories:

- Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

- Letter of Map Revision (LOMR): A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of



LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area.

• Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system that 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.

"Lowest Adjacent Grade (LAG)" means the lowest point of the ground level next to the structure. Refer to the Elevation Certificate, FEMA Form 81-31, for LAG related to building elevation information.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

"Manufactured Home" means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

"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 FIRM are referenced.

"New construction" means a structure for which the "start of construction" commenced after January 16, 2014 and includes subsequent improvements to the structure.

"New Manufactured Home Park or Subdivision" means a place where 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 final site grading or the pouring of concrete pads) is completed on or after January 16, 2014.

"Recreational Vehicle" means a vehicle that is:

- (a) Built on a single chassis,
- (b) 400 square feet or less when measured at the largest horizontal projection,
- (c) Designed to be self-propelled or permanently towed by a light duty truck, and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"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.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost where the construction of facilities for servicing the lots

Ranchester 1/2014

on which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Start of construction" includes substantial improvement and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or 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 a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not 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 the alteration affects the external dimensions of a building.

"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.

"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 its market value before the damage occurred.

"Substantial improvement means 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 market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:

- (a) A 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
- (b) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

"Variance" is a grant of relief by the governing body from a requirement of this ordinance.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas.

### **III. GENERAL PROVISIONS**

#### **A. Lands to Which This Ordinance Applies**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of The Town of Ranchester. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

#### **B. Basis for Area of Special Flood Hazard**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its

Ranchester 1/2014

Flood Insurance Study (FIS) for Ranchester, Wyoming dated January 16, 2014 with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file with the building inspector at the Ranchester Town Hall.

**C. Establishment of Floodplain Development Permit**

A Floodplain Development Permit shall be required prior to development activities in Special Flood Hazard Areas established in Article III Section B.

**D. 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.

**E. 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. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas 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 Town of Ranchester or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

**IV. ADMINISTRATION**

**A. Designation of Floodplain Ordinance Administrator**

The Building Inspector is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

**B. Permit Procedures**

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the administrator or the administrator's designee prior to starting development activities. Specifically, the following information is required:

- (1) Application Stage
  - (a) Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.
  - (b) Elevation in relation to the Base Flood Elevation, or highest adjacent grade, of the lowest floor level, including crawlspaces or basement, of all proposed structures;
  - (c) Elevation to which any non-residential structure will be flood-proofed;
  - (d) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in Article V(F)(2);
  - (e) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;
- (2) Construction Stage
  - (a) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed. When flood-proofing is utilized for non-residential structures, the

certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(b) Certificate deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

(3) Technical Review

(a) If the community does not have the expertise to evaluate the technical data that is part of the application, the community may contract for an independent engineering review or require a review by FEMA through the Letter of Map Revision process.

The applicant will pay the costs of an independent technical review.

(4) Expiration of Floodplain Development Permit

(a) All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.

**C. Duties and Responsibilities of the Administrator**

Duties of the Floodplain Administrator shall include, but shall not be limited to:

(1) Review all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.

(2) Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including {section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.

1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Wyoming Stream Channel Alteration permits;

(3) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.

(4) When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.

(5) Obtain, and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.

(6) Obtain, and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood proofed.

(7) When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.

(8) Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain

Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

(9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the city/county clerk or his/her designee and shall be open for public inspection.

## **V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **A. Subdivision Standards**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
- (3) Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
- (4) All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
- (5) All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

### **B. Construction Standards**

In all Areas of Special Flood Hazard the following provisions are required.

- (1) New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be constructed with materials and utility equipment resistant to flood damage.
- (3) New construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be constructed by methods and practices that minimize flood damage.
- (4) All new construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls shall be designed to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:
  - (a) Provide a minimum of two openings with a total net area of not less than
    - i. one square inch for every square foot of enclosed area subject to flooding;
    - ii. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
  - (b) To comply with the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.
  - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
  - (d) For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:
    - i. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;

ii. Interior grade of the crawlspace below the BFE must not be more than 2 feet below: the lowest adjacent exterior grade (LAG);

ii. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;

iii. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

(5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities shall be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.

(6) New and replacement water supply systems shall be designed to minimize or to eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(8) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

(9) Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance, shall be undertaken only if the nonconformity is minimal *in order to meet health and safety standards*.

### **C. Manufactured Home Standards**

In all Areas of Special Flood Hazard where the Flood Protection Elevation is established, these standards for manufactured homes and recreational vehicles *that are an allowed use* under the zoning ordinance shall apply:

(1) Manufactured homes placed or substantially improved:

(a) On individual lots or parcels

(b) In new or substantially improved manufactured home parks or subdivisions

(c) In expansions to existing manufactured home parks or sub-divisions, or on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor, including basement, elevated to the Flood Protection Elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(a) The lowest floor of the manufactured home is elevated to or above the Base Flood Elevation.

(b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less that 36 inches above the highest adjacent grade.

(3) Manufactured homes shall be anchored to prevent 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 standard shall be in addition to, and consistent with, applicable state requirements.

(4) Manufactured homes placed on solid perimeter walls shall meet the flood vent requirements in Article V(B)(4).

### **D. Accessory Structures**

Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than 120 SF. Such a structure must meet the following standards:

(1) It shall not be used for human habitation;

(2) It shall be constructed of flood resistant materials;

(3) It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(4) It shall be firmly anchored to prevent flotation;

(5) Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the Flood Protection Elevation;

(6) It shall meet the opening requirements of Article V(B)(4).

#### **E. Recreational Vehicle Standards**

In all Areas of Special Flood Hazard, Recreational Vehicles, must either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

(3) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements.

#### **F. Floodway Standards**

The following provisions shall apply in a floodway:

(1) A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:

(a) Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;

(b) Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;

(c) Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;

(d) The Administrator may make the encroachment determination for minor projects, such as projects that do not increase the natural grade (e.g., paving a driveway or parking lot at existing grade, open fences and small isolated obstructions such as a mailbox or telephone pole.

(2) Upon demonstrating that there are no alternatives, the applicant may propose an encroachment in the floodway that will cause an increase in the base flood elevation in excess of the allowable level provided that the applicant obtain a Conditional Letter of Map

Revision from FEMA before the development can be approved and permitted.

#### **G. Standards for Zones with Base Flood Elevations**

In Special Flood Hazard Areas designated AI-30, AE, AH, A (with estimated BFE), the following provisions are required.

(1) New residential construction and substantial improvements

(a) Where base flood elevation data are available, new construction or substantial improvement of any residential structure or manufactured home shall have the lowest floor, including basement, constructed at or above the community's Flood Protection Elevation, *Base Flood Elevation*. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in Article V(B)(4).

(2) Non-Residential Construction

(a) New construction or the substantial improvement of any non-residential structure located in zones AI-30, AE, or AH must be flood-proofed if the new construction or improvement is not

elevated. The structure and attendant utility and sanitary facilities, must be designed to be water tight to the Flood Protection Elevation or to one (1) foot above the base flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Administrator.

(3) Where the floodway has not been determined, no new construction, substantial improvements, or other development (including fill) shall be permitted in Zones AI-30 and AE on the effective 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. Applicants of proposed projects that increase the base flood elevation more than one foot are required to obtain and submit to the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) preconstruction.

(4) Post construction, the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

(5) In AH Zones, drainage paths shall be provided to guide flood water around and away from proposed and existing structures.

#### **H. 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 are not available from any source, **only** then provisions 2 and 3 shall apply.

(a) Where the floodplain administrator has obtained base flood elevation data, applicants of proposed projects that increase the base flood elevation more than one foot shall obtain a Conditional Letter of Map Revision preconstruction and a Letter of Map Revision post construction.

(2) No encroachments, including structures or fill, shall be located within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless certification by a licensed professional engineer documents that the encroachment will not result in any increase in flood levels during the base flood.

(3) 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 construction standards in Articles V (B) and (C).

#### **I. Standards for Areas of Shallow Flooding (AO Zones)**

Shallow flooding areas designated AO Zones, are Areas of Special Flood Hazard that have base flood depths of one to three feet, with no clearly defined channel. The following provisions apply.



(1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the adjacent grade at least as high as the flood depth number specified in feet on the Flood Insurance

Rate Map (FIRM). If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2) above the highest adjacent grade.

Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in Article V(B)(4).

(2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure and attendant utility and sanitary facilities must be designed to be water tight to the specified base flood level or at least two (2) feet above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Floodplain Administrator.

(3) Drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

#### **J. Alteration of a Watercourse**

A water course is considered altered when any change occurs within its banks.

(1) The bank full flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bank full flood carrying capacity of the water course will not be diminished.

(2) Adjacent communities, the U.S. Army Corps of Engineers and the Wyoming office of Homeland Security program must be notified prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.

(3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

(4) The applicant shall meet the requirements to submit technical data in Sections K (1) and K(2) when an alteration of a water course results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

#### **K. Requirement to Submit New Technical Data**

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

(a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

(b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area in accordance with V

(A)(3);

(c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;

(d) Subdivision or large-scale development proposals requiring establishment of base flood elevations according to Article V (A)(3).

(2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

## **VI. VARIANCE AND APPEAL PROCEDURES**

### **A. Variance**

(1) An application for a variance must be submitted to the Town of Ranchester Clerk on the form provided by the Town of Ranchester and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

(2) Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next Town Council meeting in which time is available for the matter to be heard.

(3) Prior to the public hearing. Notice of the hearing will be published in the official newspaper of Sheridan County at least 15 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners.

(4) The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant

### **B. Criteria for Variances**

(1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

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

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief

(4) Variances may be issued upon;

(a) A showing by the applicant of good and sufficient cause;

(b) A determination that failure to grant the variance would 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 and ordinances.

(5) Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

### **C. Variance Decision**

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

### **D. Appeals**

The Town Council shall hear and decide appeals from the interpretations of the Administrator.

(1) An appeal must be filed with the town clerk within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal shall be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Administrator and a narrative setting forth the facts relied upon by the appellant and the appellants claim regarding the error in the interpretation.

(2) Upon receipt of a completed appeal, the appeal will be scheduled for the next available Town Council meeting to be heard. The Town Council shall consider the following in ruling on an appeal:

(a) All technical evaluations, all relevant factors, standards specified in other sections of this ordinance, including:

- 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 effects of such damage on the individual landowner;
- iv. The importance of the services provided by the proposed facility to the community;
- V. The necessity of the facility to a waterfront 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 use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- xi. The safety of access to the property in times of flooding 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 cost of providing government services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

**E. Decision**

The Town Council decision on appeal shall be in writing and set out the facts, technical information and the legal basis for the decision.

**VII. PENALTIES FOR VIOLATION**

No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions 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 \$10,000. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Ranchester from taking such other lawful actions as is necessary to prevent or remedy any violation.

**VIII. SEVERABILITY**

The 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 purpose(s) of the ordinance before the declaration of partial invalidity.

**IX. REPEAL OF CONFLICTING PROVISIONS**

This ordinance shall not in any way impair or remove the necessity of compliance with any other laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control. (Ord. 255, 2014; Ord. 196 §3.2, 1999; Ord. 158 §3.2, 1988; Ord. 99, 1978)