

Title 15BUILDINGS AND CONSTRUCTIONChapters:

- 15.04 Building Permits and Inspections
- 15.08 Uniform Code for the Abatement of Dangerous Buildings
- 15.12 Building Numbers
- 15.16 Mobilehomes and Mobilehome Parks
- 15.20 Solar Energy Systems
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Chapter 15.04BUILDING PERMITS AND INSPECTIONSSections:

- 15.04.010 Building inspector--Office created.
- 15.04.020 Building inspector--Powers and duties.
- 15.04.030 Building permits--Procedure.

15.04.010 Building inspector--Office created. There is created the office of building inspector. The building inspector shall be appointed by the governing body and for such period of time when elections are held to elect the mayor, at which time the inspector's appointment shall come up for review. (Amended during 1993 codification; Ord. dated 4/10/84: prior code §7-14)

15.04.020 Building inspector--Powers and duties.
(Reserved)

15.04.030 Building permits--Procedure. A. Any person, partnership, firm or other association of persons acting as a unit, who shall plan construction of any building within the town, shall apply to the building inspector of the town for a permit for such construction. No person, firm or other associations of persons shall construct any building within the town, until the permit has been granted by the proper authorities and issued by the building inspector to the applicants.

B. 1. Every application for a building permit shall contain the following information:

- a. Type of building to be constructed;
- b. Number of rooms in plan for such building;

c. Type of materials to be used in construction;

d. Approximate total cost of building;

e. Location, street and house number.

2. Every application for a building permit shall be filed with the building inspector, together with additional information as may be pertinent, and shall be accompanied by a fee.

C. No permit for the construction within the town shall be granted unless and until considered and approved by the town council. The building inspector, upon receiving an application for a permit, shall investigate the facts concerning the proposed construction of the building concerned, particularly as to any unsafe, hazardous or unsanitary condition existing or likely to be created by the construction of the building. He shall report this information to the council at the next regular meeting of the council, when he submits the application for a permit to the council for its consideration. He shall make recommendations concerning the application as he may deem suitable, and the council shall then decide whether or not the permit is to be granted. The council shall order the building inspector to issue the permit, or not, according to the decision of the council. If the permit is not granted, the fee for the permit shall be returned to the applicant by the building inspector together with a statement of the action taken by the council. If the permit is granted by the council, it is the duty of the building inspector to issue the permit to the applicant. It is the duty of the person receiving the permit to display it prominently upon the premises where construction is taking place, and to obey all legal orders of the town marshal and other officers of the town concerning the manner of construction, insofar as health, safety and sanitation are concerned, and to permit such inspection by such officers as are customary and necessary to determine whether proper methods are being followed and orders of such officials obeyed.

D. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures.

E. The following schedule shall be used to determine the permit fee:

1. Moving in single-wide trailer house or mobile-home used as residence, five dollars;

2. Moving in modular home or double-wide trailer, construction of residences, auxiliary buildings, commercial or industrial buildings, or alteration or addition to existing structures: five dollars plus one-eighth of one

percent of the total estimated cost of the construction or alteration or purchase price of the modular home. All costs of permits shall be rounded to the nearest half-dollar.

It is the responsibility of the property owner to present to the building inspector a scale drawing and cost estimate of any construction or alteration prior to beginning work. If the building inspector feels the cost estimate is unreasonably low, he may, at his option, ask a disinterested contractor to make a cost estimate. If there is a charge for making the estimate, such charge shall be borne by the property owner. (Prior code §7-15.1)

Chapter 15.08

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

- 15.08.010 Adopted.
- 15.08.020 Amendments.
- 15.08.030 Filing and availability.
- 15.08.040 Procedure for repair, demolition and destruction of dangerous buildings.

15.08.010 Adopted. There is adopted by the municipality for the purposes of prescribing regulations for the minimum standards to safeguard life, health, property and public welfare, that certain suggested code known as the Uniform Code for the Abatement of Dangerous Buildings, being particularly the 1973 Edition, thereof and the whole thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of Section 15.08.020 and the same is incorporated in this section as fully as if set out at length herein and the provisions thereof shall be controlling within the town. (Prior code §14-13)

15.08.020 Amendments. The code adopted by Section 15.08.010 shall have such amendments, modifications, additions or deletions as the governing body of the town shall, from time to time, adopt by ordinance. (Prior code §14-14)

15.08.030 Filing and availability. At least one copy of the code adopted by Section 15.08.010 and any ordinance providing for amendments, modifications, additions or deletions in such code (adopted by the governing body of the

town) shall be available for public inspection during the normal office hours of the town clerk. One copy of each ordinance amending or modifying such code shall be kept with each copy of such code and made available for public inspection at the same time as and in the same manner as such code. (Prior code §14-15)

15.08.040 Procedure for repair, demolition and destruction of dangerous buildings. A. Any building or other structure which for want of proper repair, or by reason of age or dilapidated condition, defective or poorly installed wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire, or is dangerous, or is in a dangerous state, and which building or structure is so situated as to endanger other buildings and property in the vicinity, it is declared to be a public nuisance.

B. If the fire marshal of the state of Wyoming, or the chief of the fire department of the town or any officer or fireman thereof, or the mayor and town council or their duly authorized agent, find the conditions described in subsection A of this section to exist they shall issue and order in writing and shall recite the grounds for declaring a public nuisance. One copy of the order shall be filed in the office of the town clerk and one additional copy of the order shall be filed in the office of the clerk of the district court, Carbon County, Wyoming. A copy of the order filed as aforesaid together with a written notice that the same has been filed and will be put in force unless the owner, occupant, or tenant shall file with the town clerk and also with the clerk of the district court, Carbon County, Wyoming, his objections or answer to the order within the time specified in the next section of this chapter, shall be served upon the owner of the building or structure as directed to be repaired, removed or demolished. If there be a tenant occupying the building, service shall also be made upon such occupant.

C. Service of the order provided for in subsection B of this section shall be made upon the owner and occupant, if there be one, personally, either within or without the state of Wyoming. If the whereabouts of the owner is unknown and cannot be ascertained by the exercise of reasonable diligence, then the chief of the fire department or the mayor and town council, or their duly authorized agent, upon filing in the office of the clerk of the district court of an affidavit to this effect, service of the notice upon the owner may be made by the clerk of the district court by publication in accordance with the Statutes of the state of Wyoming for service of summons by publication in civil actions and by posting a copy thereof in a conspicu-

ous place upon such building or structure. The service so made shall be deemed complete upon the expiration of the publication period. Proof of service of notice shall be filed in the office of the clerk of the district court within five days after completion of the service.

D. The owner of any condemned building or occupant or lessee upon whom notice or order has been served may file written objections to the order in the form of an answer denying the existence of any of the facts he wishes to controvert. The filing must take place within twenty days from the date of service and must be filed with the clerk of the district court and with the town clerk and upon the state fire marshal or town fire chief or the governing body or their duly authorized agent. If no answer is filed and served, the court shall determine the issues raised and give judgment.

E. The court, upon application of the Fire Marshal of the state of Wyoming, or the chief of the fire department of the town or the mayor or town council or their duly authorized agent, shall make its order fixing a time and place for a hearing, which time shall be within twenty days from the date of the filing of the answer or as soon thereafter as the matter may be heard. If, upon trial the order shall be sustained, judgment shall be given accordingly and a time shall be fixed within which the building or structure shall be altered, destroyed or repaired, otherwise the court shall annul or set aside the order of condemnation.

F. An appeal from the judgment of the district court of the county may be taken by the owner or other party in interest. The appeal shall be perfected in accordance with the Statutes of the state of Wyoming and any rules of the Supreme Court of the state of Wyoming governing the taking of appeals from the several district courts of the state of Wyoming in civil actions.

G. If the owner or other party in interest shall fail to comply with the order of condemnation of a building or structure within the time fixed by the court or has failed to appeal from the judgment, then the Fire Marshal of the state of Wyoming, or the chief of the fire department or his duly authorized agent, or the governing body of the town or their duly authorized agent, shall proceed to cause such building or structure to be altered, repaired or demolished in accordance with the directions contained in the order. Where a building or structure is demolished in accordance with an order, he may sell or dispose of the salvage materials therefrom at public auction upon five days posted notice. He shall keep an accurate account of the expenses incurred in carrying out the order and shall credit the proceeds of the salvage sale against the costs incurred. He shall report his actions with a statement of expenses, or the balance received from the salvage sale, to

the court for approval and allowance. The court shall examine, correct if necessary, and allow an expense account. The amount allowed shall constitute a lien against the real estate on which the building or structure is or was situated. If the amount is not paid by the owner or other party in interest within six months after the account has been examined and approved by the court the real estate upon which building or structure is or was situated shall be sold under proper order of the court in the manner provided by law and the proceeds of the sale shall be paid into the State Treasury of the state of Wyoming. If the amount received as salvage or on the sale shall exceed the expense incurred, the court shall direct the payment of surplus to the owner or the payment of the proceeds into the court for his use and benefit. (Prior code §14-16)

Chapter 15.12

BUILDING NUMBERS

Sections:

15.12.010 Building numbering.

15.12.010 Building numbering. A. Every dwelling or business structure in the town, now or hereafter erected, shall be numbered according to the numbering system adopted by the governing body.

B. The size and design of the numbers to be attached to each such structure shall be as established by the governing body.

C. The building inspector shall be responsible for implementation, maintenance and enforcement of the numbering system and, in that capacity, may maintain such records and map as are necessary to insure compliance with such system. (Prior code §7-3)

Chapter 15.16

MOBILEHOMES AND MOBILEHOME PARKS

Sections:

- 15.16.010 Mobilehome regulations.
- 15.16.020 Mobilehome park defined.
- 15.16.030 Standards for construction of mobilehome park.
- 15.16.040 Violation--Penalty.

15.16.010 Mobilehome regulations. A. No mobile home, located on any general residential lot within the town, shall be occupied unless it is supported on masonry blocks or jacks, connected to utilities and adequately anchored.

B. A skirting extending from the bottom of the walls to the ground, made of aluminum or other durable material, must be installed within sixty days of occupancy and/or placement on any lot.

C. A general inspection of each mobilehome will be done by a representative of the town, to insure compliance with this chapter, prior to water service being established to the mobilehome. (Ord. 153, 1993)

15.16.020 Mobilehome park defined. The term "mobilehome park," as used in this chapter means the (a) collection of more than one mobilehome on a single town lot as such lots have been previously platted, or (b) a mobilehome park shall also be deemed to exist where three or more mobilehomes are placed on an acre tract of land which has not been previously platted. (Ord. 38 §1, 1975: prior code §7-85)

15.16.030 Standards for construction of mobilehome park. No mobilehome park shall be constructed unless it shall conform with the following standards:

A. A mobilehome park shall not be developed at a residential density greater than eight mobilehome spaces per acre.

B. Each mobilehome space shall be connected to a water supply system and sewage treatment system which meets the state of Wyoming health standards.

C. Each mobilehome park shall provide a recreational and open land area, exclusive of mobilehome spaces, amounting to no less than ten percent of the total park site.

D. No more than one single mobilehome shall be placed upon any single town lot as the same is platted. Each mobilehome shall be skirted, with a suitable solid material, within sixty days of setting.

E. The development of any mobilehome park shall conform to the building ordinances previously adopted by the town.

F. The development of a mobilehome park shall require the prerequisite consent of the town council and such request for the development of such park shall be submitted to the town council with an application which shall show the design and arrangements of all mobilehome spaces and related facilities. (Ord. 38 §2, 1975; Ord. dated 12/12/78; prior code §7-86)

15.16.040 Violation--Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed one hundred dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 38 §3, 1975: prior code §7-87)

Chapter 15.20

SOLAR ENERGY SYSTEMS

Sections:

- 15.20.010 Title for citation.
- 15.20.020 Authorization.
- 15.20.030 Purpose.
- 15.20.040 Definitions.
- 15.20.050 Use regulations--Shading of collectors unlawful.
- 15.20.060 Exceptions.
- 15.20.070 Variances.
- 15.20.080 Solar access permit required.
- 15.20.090 Permit application.
- 15.20.100 Recording of solar rights and permits.
- 15.20.110 Model application/permit.
- 15.20.120 Enforcement.

15.20.010 Title for citation. These regulations shall be known and may be cited as the "Solar Zoning Ordinance" of the town. (Ord. 76 §1, 1981)

15.20.020 Authorization. Authorization for these regulations is contained in Wyoming Statutes Sections 34-22-101 through 34-22-106. (Ord. 76 §2, 1981)

15.20.030 Purpose. The purpose of these regulations is to protect the health, safety and general welfare of the community by encouraging the use of solar energy systems. The overall objective of these regulations is to provide adequate protection from interference by structures, trees or topography. It is the intent of these regulations to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as a permitted use in all zoning or land use districts. (Ord. 76 §3, 1981)

15.20.040 Definitions. "Solar collector" means one of the following which is capable of collecting, storing or transmitting at least five thousand BTU's on a clear winter solstice day:

1. A wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;
2. A greenhouse attached to another structure and designed to provide a part or all of the heating load for the structure to which it is attached;
3. A trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;
4. A photovoltaic collector designed to convert solar energy into electric energy;
5. A plate-type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or other applications;
6. A massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or
7. Other devices or combination of devices which rely upon sunshine as an energy source.

"Solar right" means a property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by these regulations.

"Winter Solstice Day" is the solstice on or about December 21st which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point. (Ord. 76 §4, 1981)

15.20.050 Use regulations--Shading of collectors unlawful. A. Except as otherwise provided by these regulations, it is unlawful for any person to erect a building or other structure, or to allow a tree, shrub or other

vegetation to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical ten-foot high wall located along the property lines, between the hours of nine a.m. and three p.m., Mountain Standard Time, on the winter solstice day.

B. Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. (Ord. 76 §5, 1981)

15.20.060 Exceptions. Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of the ordinance codified in this chapter shall not be subject to the requirements of Section 15.20.050. (Ord. 76 §6, 1981)

15.20.070 Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree or other vegetation, or otherwise use his/her property, not in conformance with these regulations, may apply for a variance from the board of adjustments. A variance shall not be approved by the board unless it finds the literal enforcement or application of these regulations would result in unnecessary hardship. (Ord. 76 §7, 1981)

15.20.080 Solar access permit required. A. A solar permit shall be granted before a solar right may be established.

B. A solar permit shall be granted for any proposed or existing solar collector which complies with the requirements of these regulations.

C. The solar right vests on the date the solar permit is granted. The solar collector shall be put to beneficial use within two years except additional time may be granted for good cause. The building inspector or other designated administrative official shall certify the right and its beneficial use within two years of its vesting.

D. Existing solar collector users shall apply for permits within five years after the date these regulations are passed.

E. A solar right which is not applied to a beneficial use for a period of five years or more shall be deemed abandoned and without priority. (Ord. 76 §8, 1981)

15.20.090 Permit application. A. Any person who desires to obtain a solar right shall first make application to the building inspector or other designated administrative official for a solar access permit.

B. The application for a permit along with the required fee, shall be filed on a form furnished for that purpose. Information adequate to determine compliance with these regulations shall accompany the application.

C. The building inspector or other designated administrative official after review of the application shall grant a solar access permit for any proposed or existing solar collector which complies with these regulations. (Ord. 76 §9, 1981)

15.20.100 Recording of solar rights and permits. A copy of the solar permit shall be recorded with the county clerk by the person receiving the solar permit. The solar permit shall include a description of the collector surface, or that portion of the collector surface to which the permit is granted. The description shall include the dimensions of the collector surface, the direction of orientation, the height above ground level, the location of the collector on the solar user's property and the date the solar permit was granted. (Ord. 76 §10, 1981)

15.20.110 Model application/permit.

MODEL
APPLICATION/PERMIT FOR SOLAR ACCESS

Application No. _____

Name of Applicant _____

Address _____

Phone _____

Location of Property

Section _____ Township _____

Range _____ Other _____

(Attach copy of legal description)

Present Zoning District _____

Description of Solar Collector

Dimensions _____

Orientation _____

Height Above Ground _____

Location On Property _____

BTU's Collected, Stored or Transmitted on a Clear Winter Solstice Day _____

Other Information _____

Description of Adjacent Property or Other Property Which Could Interfere with Solar Access:

Existing Structures

Height _____

Location _____

Existing Vegetation

Height _____

Location _____

Other Information _____

Applicant's Signature _____ Date _____

(Official Use Only)

Permit Approved _____
Authorized Official Date

Conditions or Comments: _____

If Denied, Reasons Why: _____

(Ord. 76 §12, 1981)

15.20.120 Enforcement. A. The building inspector or other designated administrative official shall enforce these regulations and bring to the attention of the town attorney any violations or lack of compliance.

B. Penalties for violations of these regulations shall be in accordance with appropriate legal remedies and shall be a misdemeanor. (Ord. 76 §11, 1981)

Chapter 15.24FLOOD DAMAGE PREVENTIONSections:

- 15.24.010 Statutory authorization.
- 15.24.020 Findings of fact.
- 15.24.030 Statement of purpose.
- 15.24.040 Methods of reducing flood losses.
- 15.24.050 Definitions.
- 15.24.060 Lands to which this chapter applies.
- 15.24.070 Basis for establishing the areas of special flood hazard.
- 15.24.080 Compliance.
- 15.24.090 Abrogation and greater restrictions.
- 15.24.100 Interpretation.
- 15.24.110 Warning and disclaimer of liability.
- 15.24.120 Establishment of development permit.
- 15.24.130 Designation of the Baggs NFIP administrator/coordinator.
- 15.24.140 Duties and responsibilities of the Baggs NFIP administrator/coordinator.
- 15.24.150 Variance procedure.
- 15.24.160 General standards for flood hazard reduction.
- 15.24.170 Specific standards for flood hazard reduction.

15.24.010 Statutory authorization. The legislature of the state of Wyoming has in the laws of the state of Wyoming, Sections 19-5-101 through 19-5-116 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the town council of the town of Baggs, Wyoming does ordain the provisions set out in this chapter. (Ord. 171 §1.1, 1996)

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

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that

are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 171 §1.2, 1996)

15.24.030 Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 171 §1.3, 1996)

15.24.040 Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 171 §1.4, 1996)

15.24.050 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be in-

terpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the Baggs NFIP administrator/coordinator's interpretation of any provisions of this chapter or a request for a variance.

"Area of special flood hazard" means the land in the floodplain 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 equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing 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 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) are completed before the effective date of the ordinance codified in this chapter.

"Expansion to 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).

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

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

"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.

"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 nonelevation design requirements of this chapter.

"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 ordinance codified in this chapter, 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 the ordinance codified in this chapter, floodplain management regulations.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) four hundred 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.

"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 one hundred eighty 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 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.

"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 fifty 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 fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 171 §2.0, 1996)

15.24.060 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the town. (Ord. 171 §3.1, 1996)

15.24.070 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 Town of Baggs, dated August 18, 1988, with an accompanying flood insurance rate map (FIRM) revised to reflect letter of map revision (LOMR) dated April 15, 1999, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and FIRM as revised by LOMR are on file at the Baggs Town

Hall, 130 S. Penland Street, Baggs, WY. (Ord. 229, 2004:
Ord. 171 §3.2, 1996)

15.24.080 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 171 §3.3, 1996)

15.24.090 Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 171 §3.4, 1996)

15.24.100 Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 171 §3.5, 1996)

15.24.110 Warning and disclaimer of liability. The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the town, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 171 §3.6, 1996)

15.24.120 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 15.24.070 of this chapter.

Application for a development permit shall be made on forms furnished by the Baggs NFIP administrator/coordinator and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any

nonresidential structure meet the floodproofing criteria in Section 15.24.170B of this chapter; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 171 §4.1, 1996)

15.24.130 Designation of the Baggs NFIP administrator/coordinator. The Baggs NFIP administrator/coordinator is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 171 §4.2, 1996)

15.24.140 Duties and responsibilities of the Baggs NFIP administrator/coordinator. Duties of the Baggs NFIP administrator/coordinator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter 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 adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means 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.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.24.070 of this chapter, Basis for establishing the areas of special flood hazard, the Baggs NFIP administrator/coordinator 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 15.24.170 of this chapter, Specific standards.

C. 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:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

b. Maintain the floodproofing certifications required in Section 15.24.120C of this chapter.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. 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.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (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 15.24.150 of this chapter. (Ord. 171 §4.3, 1996)

15.24.150 Variance procedure. A. Appeal Board.

1. The town council, as established by the town, shall hear and decide appeals and request for variances from the requirements of this chapter.

2. The town council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Baggs NFIP administrator/coordinator in the enforcement or administration of this chapter.

3. Those aggrieved by the decision of the town council, or any taxpayer, may appeal such decisions to the Baggs municipal court, as provided in the laws of the state of Wyoming, Sections 19-5-101 through 19-5-116.

4. In passing upon such applications, the town council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

d. The importance of the services provided by the proposed facility to the community;

- e. The necessity to the facility of a water-front location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management project for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. 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
- k. 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 15.24.150(A)(4) of this chapter and the purposes of this chapter, the town council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6. The Baggs NFIP administrator/coordinator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. 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 (a) through (k) in Section 15.24.150(A)(4) of this chapter 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:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 15.24.150(A)(4) of this chapter 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. (Ord. 171 §4.4, 1996)

15.24.160 General standards for flood hazard reduction. In all areas of special flood hazard, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting 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:
 - a. 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 fifty feet long requiring one additional tie per side;
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
 - d. Any additions to the manufactured home be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be 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.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

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

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).

E. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 171 §5.1, 1996)

15.24.170 Specific standards for flood hazard reduction. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 15.24.070 of this chapter, Basis for establishing the areas of special flood hazard or Section 15.24.140B of this chapter, Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

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

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood 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 15.24.140(C)(2) of this chapter.

C. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with Section 15.24.160(A)(2) of this chapter.

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 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 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 flotation, collapse and lateral movement.

b. Require that manufactured homes to be placed or substantially improved on sites in 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 thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

D. Recreational Vehicles.

1. Require that recreational vehicles either (a) be on the site for fewer than one hundred eighty consecu-

tive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

E. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 must meet or exceed the following minimum criteria:

1. 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;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. 171 §5.2, 1996)