TITLE 11 - FLOOD PLAIN REGULATIONS

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CHAPTER 11.06 Floodplain Management

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11.06.010 General Provisions

Statutory Authorization. The Legislature of the state of Montana has in the Montana Code Annotated, Title 76, Chapters 1 through 5, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council of the city of White Sulphur Springs, Montana has adopted the following provisions.

Findings of Fact.

The flood hazard areas of the city of White Sulphur Springs are subject to periodic inundation which could result 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.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and when inadequately protected from flood damage also contribute to the flood loss.

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. The chapter is designed for the wise planning and development of this community's floodplains to avoid conflict between its citizens need to develop the land and natures need to discharge flood waters. Provisions of this chapter are designed to: 1) protect human life and health, 2) minimize the need of public expenditure for flood control projects, 3) reduce the need for rescue and relief efforts, 4) lessen prolonged business interruptions, 5) minimize public utility and facility damages, 6) maintain a stable tax base, 7) insure potential buyers are

notified when property is in a flood hazard area, and 8) ensure residents of flood hazard areas are responsible for their actions.

Methods of Reducing Flood Losses. In order to limit flood damages in the city of White Sulphur Springs, this chapter has provisions for restricting, prohibiting, or guiding development activities that are subject to flood damage.

Disclaimer. This chapter shall not create liability on the part of any officer or employee thereof, or the Federal Emergency Management Agency for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

Definitions.

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

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Development" means any manmade 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.

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

the overflow of waters, and/or

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

"Flood hazard boundary map" or "flood insurance rate map" means the official map issued by the Federal Emergency Management Agency where areas of special flood hazard are designated as Zone A.

"Lowest floor" means the floor of the lowest enclosed area of a structure including the basement. This means any floor used for living purposes, storage, or recreation and includes any floor that could be converted to such a use.

"Manufactured home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes it also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

"Manufactured Home Park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after May 1, 1989.

"Structure" means a walled and roofed building, including mobile homes and gas or liquid storage tanks above ground.

"Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

before the improvement or repair is started; or

if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

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

Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of White Sulphur Springs as identified by the Federal Emergency Management Agency in its flood insurance rate map panel 01 for Community No. 300047 C, dated April 15, 1986. This map is adopted by reference and declared to be a part of this chapter. It is on file at the White Sulphur Springs city hall, P. 0. Box 442, White Sulphur Springs, Montana 59645.

11.06.020 Permit Procedures

Permits. Permits shall be required for all proposed structures, placement of manufactured homes, and other development in the community within flood-prone areas. A permit shall also be required for any proposed watercourse alteration or development.

Appointment of Floodplain Administrator. The city council of the city of White Sulphur Springs hereby appoints the city clerk-treasurer to act as the floodplain administrator for the city.
Before construction or development begins within any area of special flood hazard, a permit shall be obtained from the flood-plain administrator.
Contents of the Permit. The permit application may contain the following information:

Plans in duplicate drawn to scale showing:

Location and dimensions of the development site.

Proposed structures: buildings, mobile homes, bridges, culverts, etc. (including existing structures where appropriate).

Placement, number and type of anchors for mobile homes.

Utility connection locations: sewer, water, gas and electric.

Bridge and culvert plans must include hydraulic computations by a registered engineer.

Fill location and dimensions.

Storage of materials,

Drainage facilities.

Watercourse alterations including plan drawings, cross sections and hydraulic computations.

Applicants may be asked to furnish additional information if deemed necessary by the floodplain administrator.

Permit Review. All permit applications shall be reviewed using the best available base flood elevation and floodway data from any federal, state, or other sources until such data have been provided by the Federal Emergency Management Agency: a) assure sites are reasonably safe from flooding; b) determine that all necessary permits have been obtained from those federal, state, or local agencies from which prior approval is required; and c) to determine if the proposed development adversely affects the flood-carrying capacity of a flood-prone area. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

If it is determined that there is no adverse effect and the development is not a building, the permit shall be granted without further considerations.

If it is determined that there is an adverse effect, technical justification (i.e., a registered professional engineer) for the proposed development shall be required.

If the proposed development is a building, the provisions of Section 11.06.050 of this chapter shall apply.

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

11.06.030 Administrative Requirements

Alteration of Watercourses. The floodplain administrator shall:

Notify adjacent communities and the Montana Flood-plain Management Section (DNRC) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency; and

Require that the flood-carrying capacity is not diminished within the altered or relocated portion of said watercourse; and

Where the watercourse is filled, impounded, dredged, or diverted, or where levees or floodwalls are constructed require that the flood-carrying capacity not be diminished.

Encroachments. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments won't result in any increase in flood levels during occurrence of a base flood discharge.

11.06.040 Floodplain Boundary Interpretation

The floodplain administrator shall make interpretations where needed as to the exact location of the Zone A floodplain boundary when there is a conflict between a mapped boundary and actual field conditions.

11.06.050 Standards

General Standards. In all areas of special flood hazards, the following standards are required:

Anchoring.

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Construction Materials and Methods. All new construction and substantial improvements shall be constructed using methods, materials and utility equipment that resist or minimize flood damage.

Utilities.

All electrical, heating, ventilating, plumbing, air conditioning and other service facilities shall be designed and located to prevent water from entering or accumulating within the components during flooding conditions.

All new and replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Sanitary sewer systems shall be designed to minimize or eliminate discharge into floodwaters.

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

Subdivision Proposals.

All proposed subdivisions, manufactured home parks and subdivisions and other developments shall be consistent with the need to minimize flood damage.

All proposed subdivisions, manufactured home-parks and subdivisions and other developments shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

All proposed subdivisions, manufactured home parks and subdivisions and other developments shall have adequate drainage provided to reduce exposure to flood damage.

Base flood elevation data shall be provided for proposed subdivisions, manufactured home parks and subdivisions and other developments which contain at least 50 lots or 5 acres (whichever is less).

Specific Standards. Where base flood elevation and floodway data have been provided, the standards below are required. If data have not been provided, the

floodplain administrator must use judgment and be guided by the mapped 100-year flood boundaries, past flood accounts described in newspapers, photos, eyewitness accounts, or by high water marks on buildings, telephone poles, bridges, or other structures. The floodplain administrator, wherever possible, should designate the base flood elevations. If the base flood elevations can be established, the following standards would then be required:

Residential Construction.

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

Manufactured homes shall be placed so that the lowest floor is at least to or above the base flood elevation.

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 or above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

be flood-proofed so that to or above the base flood elevation level the structure is watertight with walls substantially impermeable to the passage of water;

have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the responsible person as set forth in Section 11.06.060.

fully enclosed areas below the lowest floor 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 the following minimum criteria:

a minimum of two openings having a total net area of not less than one square foot of enclosed area subject to flooding shall be provided;

the bottom of all openings shall be no higher than one foot above grade;

openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice. The engineer or architect shall also certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in Section 11.06.060 (1).

11.06.060 Administrative Requirements

Information to be Obtained and Maintained. The floodplain administrator shall:

Maintain for public inspection all records pertaining to the provisions of this chapter. Where the flood-plain administrator has utilized available base flood elevation data or determined base flood depths and applied the specific standards, the following is required:

For new or substantially improved residential structures and manufactured homes:

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

record whether or not the structure contains a basement.

For all new or substantially improved nonresidential structures:

obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed; and

maintain the flood-proofing certifications required in Section 11.06.050 (2)(b)(iii) and (v).

11.06.070 Violations

Penalties for Violations.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding $100.00 or by imprisonment not to exceed 10 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the mayor from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 350; 5-1-89, Ord. 325; 7-13-81)