

ORDINANCE NO. 405N

AN ORDINANCE OF THE TOWN OF GARFIELD, WASHINGTON, amending Ordinance Nos. 107N and 159N and 171N, and Garfield Municipal Code §22.14.030, §22.14.060, §22.14.070, §22.14.076, §22.14.120, §22.14.140, §22.14.150, thereby amending the flood plain construction regulations.

THE TOWN COUNCIL OF THE TOWN OF GARFIELD does ordain as follows:

SECTION 1. Garfield Municipal Code §22.14.030 and those portions of Ordinance No. 159N codified as part of Garfield Municipal Code §22.14.030 are hereby amended to read as follows:

“22.14.030 – Compliance – Failure to comply – penalty. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this chapter shall constitute a misdemeanor. Any person who violates this chapter shall upon conviction thereof be fined not more than \$250.00 for each violation. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2. Garfield Municipal Code §22.14.060 and those portions of Ordinance No. 107N codified as part of Garfield Municipal Code §22.14.060 are hereby amended to read as follows:

“22.14.060 – Reserved

SECTION 3. Garfield Municipal Code §22.14.070 and those portions of Ordinance Nos. 107N and 159N codified as part of Garfield Municipal Code §22.14.070 are hereby amended to read as follows:

“22.14.070 – Development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures, including manufactured homes, as set forth in §22.14.020, “Definitions,” and for all other development, including fill and other activities which are set forth in §22.14.020, “Definitions.”

SECTION 4. Garfield Municipal Code §22.14.071 and those portions of Ordinance Nos. 107N and 159N codified as part of Garfield Municipal Code §22.14.071 are hereby amended to read as follows:

“22.14.071 – Application Development Permit. Application for a development permit shall be made to the Town Clerk and may include, but shall 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 shall be required:

- 1). Elevation in relation to mean sea level of the lowest floor, including basements, of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
- 3). Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria as set forth in §22.14.140(1), below, and
- 4). Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.”

SECTION 5. Garfield Municipal Code §22.14.076 and those portions of Ordinance No. 159N codified as part of Garfield Municipal Code §22.14.076 are hereby amended to read as follows:

“22.14.076 – Building Inspector to Administer Development Permit Applications—duties specified. The Town Building Inspector shall administer and implement this chapter by granting or denying development permit applications in accordance with the provisions of this Chapter. The building inspector’s duties shall include but not be limited to:

1). Permit Review:

- A. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of this Chapter are met.

2). Use of Other Base Flood Data:

When the base flood elevation data has not been provided in accordance with Garfield Municipal Code 22.14.025, above, obtain, review, and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources in order to determine the provisions of this Chapter.

3). Information to be Obtained and Maintained:

- A. Where base flood data is provided through the Flood Insurance Study, FIRM or required as in Subsection B, above, 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.
 1. For all new or substantially improved floodproofed non-residential structures where base flood elevation data is provided through FIS, FIRM, or as required in subsection 2, above:
 2. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

3. Maintain the floodproofing certifications required in subsection A, above.

B. Maintain for public inspection in the office of the Town Clerk all records pertaining to the provisions of this Chapter.”

SECTION 6. Garfield Municipal Code §22.14.120 and those portions of Ordinance No. 107N codified as part of Garfield Municipal Code §22.14.120 are hereby amended to read as follows:

“22.14.120 – General development standards—utilities.

- 1). All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2). All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 3). On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 4). Water wells shall be located on high ground that is not in the floodway.”

SECTION 7. Garfield Municipal Code §22.14.140 and those portions of Ordinance Nos. 159N and 171N codified as part of Garfield Municipal Code §22.14.140 are hereby amended to read as follows:

“22.14.140 – Additional standards where flood elevation data has been provided.

In addition to meeting the general development standards set forth in Garfield Municipal Code 22.14.100 through .130, above, the following standards shall apply where the anticipated elevation of flood having a 100-year or more frequent expectation of occurrence has been developed and shown on a map or in a report adopted by the Town:

1). 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 1 foot or more about the level of the base flood elevation; or, together with the structure’s utility and sanitary facilities, shall:

A. be flood proofed so that below the base flood level the structure is watertight with walls impermeable or substantially impermeable to the passage of water;

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

C. 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 provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Garfield Municipal Code 22.14.075(3)B;

D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Garfield Municipal Code 22.14.140(2), below. Applicants floodproofing nonresidential

buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

2). Residential construction:

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.**
- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. 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.**

3). Critical facility:

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SHFA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SHFA if no feasible alternative site is available. Critical facilities constructed within the SHFA shall have the lowest floor elevated to three feet or more above the sea level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

4). Manufactured Homes:

All manufactured homes to be placed or substantially improved on sites within the floodplain designated on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Garfield Municipal Code 22.14.100."

SECTION 8. Garfield Municipal Code §22.14.150 and those portions of Ordinance Nos. 159N and 171N codified as part of Garfield Municipal Code §22.14.150 are hereby amended to read as follows:

“22.14.150 – Floodways—special standards. Located within areas of special flood hazard designated in the report described in Garfield Municipal Code 22.14.025, above, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential the following provisions shall apply:

1). Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in association with standard engineering practice that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2). Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, reconstruction or improvement is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. 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 to structures identified as historic places shall not be included in the 50 percent.

3). If Subsection 1, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions contained in Garfield Municipal Code 22.14.100 through 140.”

SECTION 9. This ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the Town of Garfield as required by law.

PASSED by the Town Council of the Town of Garfield at its regular meeting on this 24th day of August, 2011.

Jarrod Pfaff, Mayor

Attest: _____
Annie Pillers, Clerk-Treasurer

Approved as to form:

Stephen Bishop, Attorney

Passed: _____
Published: _____
Effective date: _____