

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 17.76 RELATING TO CONSTRUCTION IN FLOODPLAINS.

WHEREAS, the City of Bellingham has enacted a floodplain management ordinance governing construction in floodplains; and,

WHEREAS, the Federal Emergency Management Agency ("FEMA") has adopted revised regulations; and,

WHEREAS, municipalities are required to adopt these regulations to be continued in the National Flood Insurance Program; and,

WHEREAS, the City's regulations regarding construction in the floodplain should be modified in the public's health, safety and welfare interests;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Section 17.76.010 of the Bellingham Municipal Code is amended to read as follows:

17.76.010 – Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

- A. "Area of special flood hazard"** means the land in the flood plain within the city subject to a one percent or greater chance of flooding in any given year.
- B. "Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.
- C. "Basement"** means any area of the building having its floor subgrade (below ground) on all sides.
- D. "Development"** means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, or storage of equipment or materials located within the area of special flood hazard.
- E. "Flood" or "flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

F. "Flood Hazard Boundary Map" (FHBM) means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

G. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

H. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfurnished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 17.76.180(B).

I. "Manufactured home" means a structure that is transportable in one or more sections, upon the public streets or highways on its own running gear, which when erected on site, is designed to be connected to required utilities and utilized as a dwelling, and which exceeds 32' in length and 8' in width. It does not include recreational vehicles or travel trailers.

J. "Recreational Vehicle" means a vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (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.

K. "Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

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

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- (1) Before the improvement or repair is started; or
- (2) 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:
 - (a) 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
 - (b) Any alteration of a structure listed on the National Register of Historic Places.

Section 2: Section 17.76.030 of the Bellingham Municipal Code is amended to read as follows:

17.76.030 - Basis For Establishing The Areas Of Special Flood Hazard

The areas of special flood hazards identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance study dated March 2, 1982 and Flood Insurance Rate Maps (FIRM) dated September 2, 1982, are adopted by reference and declared to be a part of this chapter. An updated version of the existing Flood Insurance Rate Maps(FIRM) and Flood Insurance Study are adopted by reference and declared to be a part of this chapter with an effective date of January 16, 2004. The FIRM are on file at the City of Bellingham, Public Works Department, 210 Lottie Street, Bellingham, WA 98225.

Section 3: Section 17.76.100 of the Bellingham Municipal Code is amended to read as follows:

17.76.100 - Duties And Responsibilities Of The Public Works Director.

Duties of the public works director shall include, but not be limited to:

A. [UNCHANGED]

B. [UNCHANGED]

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.

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- (2) For all new or substantially improved floodproofed structures:
 - (a) Obtain 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 17.76.080(B)3.
- (3) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. [UNCHANGED]

E. [UNCHANGED]

Section 4: Section 17.76.120 of the Bellingham Municipal Code is amended to read as follows:

17.76.120 - Anchoring

A. [UNCHANGED]

B. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flooding damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

C. [UNCHANGED]

Section 5: Section 17.76.190 of the Bellingham Municipal Code is amended to read as follows:

17.76.190 - Nonresidential Construction

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- (1) Have the long axis of the foundation aligned with the flood flow;
- (2) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

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(4) 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 Section 17.76.180(B).

(5) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 17.76.180(B).

B. [UNCHANGED]

Section 6: Section 17.76.200 of the Bellingham Municipal Code is amended to read as follows:

17.76.200 - Manufactured Homes

A. Manufactured homes shall be anchored in accordance with Section 17.76.120.

B. All manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation.

Section 7: Section 17.76.210 of the Bellingham Municipal Code is amended to read as follows:

17.76.210 - Floodways

Located within areas of special flood hazard established in Section 17.76.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

B. [UNCHANGED]

C. [UNCHANGED]

D. [UNCHANGED]

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Section 8: A new Section 17.76.240 of the Bellingham Municipal Code is created to read as follows:

17.76.240 – Recreational Vehicle

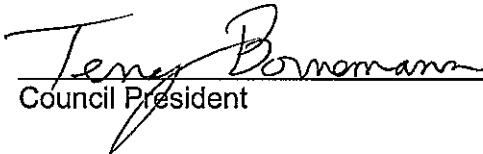
Recreational vehicles placed on sites are required to either:

- (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, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions; or
- (3) Meet the requirements of Section 17.76.200 and the elevation and anchoring requirements for manufactured homes.

Section 9: Effective date.


Pursuant to Revised Code of Washington Section 86.16.041 this Ordinance amending BMC Chapter 17.76 will be submitted to the Washington State Department of Ecology. Therefore, the amendments contained herein will be take effect thirty (30) days from the date the City submits this ordinance to the Department of Ecology.

PASSED by the Council this 25th day of August, 2003.

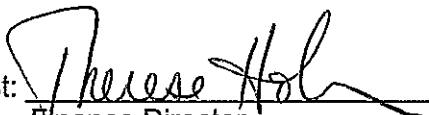


Council President

APPROVED by me this 8th day of Sept, 2003.



Mayor

Attest: 

Finance Director

Approved as to form:



Office of the City Attorney

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