

ORIGINAL

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2021-1072

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM; AMENDING ORTING MUNICIPAL CODE 14-1-8 AND 14-1-9 PERTAINING FOR FLOOD PLANNING MANAGEMENT AND FLOOD DAMAGE PREVENTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City participates in the National Flood Insurance Program Community Rating System (CRS) in order to maintain discounted flood insurance rates for its residents; and

WHEREAS, in order to maintain the City's CRS classification, the City must review and update its Flood Planning Management and Flood Damage Prevention regulations, codified at Title 14 of the Orting Municipal Code; and

WHEREAS, the proposed amendments to Title 14 herein are necessary for the City to maintain its CRS classification and are made at the request of FEMA; and

WHEREAS, the proposed amendments were reviewed and approved of by the Washington Department of Ecology on 12/21/2020; and

WHEREAS, the City Council finds that the proposed amendments to the Orting Municipal Code adopted herein are consistent with the Comprehensive Plan and related regulations, bear a substantial relation to the public health, safety or welfare, and promote the best long term interests of the Orting community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The above stated recitals are incorporated as though fully set forth herein.

Section 2. Amendment to Orting Municipal Code Section 14-1-8. The City Council hereby adopts the amendments to the OMC 14-1-8 as follows:

C. Duties And Responsibilities Of City: Duties of the city shall include, but not be limited to:

3. Information To Be Obtained And Maintained:

a. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection C.2. ~~C2~~ of this section, obtain and record the actual (as built) 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.

b. For all new or substantially improved floodproofed nonresidential structures: (1) Verify and record the actual elevation (in relation to mean sea level); and (2) Maintain the floodproofing certifications required in subsection A.2.f. A2f of this section.

D. Variance Procedure: Variances from the provisions of this chapter shall be processed as described in title 15 of this code. Approved variances shall permit structures to be built with a lowest floor elevation below the base flood elevation and shall assert that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The findings and conclusions of approved variances shall be recorded with the Pierce County auditor and shall run with the land.

2. Conditions For Variances:

f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection D.2.a. ~~D2a~~ of this section and otherwise complies with subsections 14-1-9A1 and A2 of this chapter.

Section 3. Amendment to Orting Municipal Code Section 14-1-9. The City Council hereby adopts the amendments to the OMC 14-1-9 as follows:

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

2. Construction Materials And Methods:

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located at least one (1) foot above the base flood elevation ~~so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

B. Specific Standards: In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsections 14-1-6B and 14-1-8C2 of this chapter, the following provisions are required:

1. Residential Construction:

a. New construction, substantial improvements and/or reconstruction due to substantial damage of any residential structure, including machinery

~~and equipment~~ ~~New construction and substantial improvements of any residential structure~~ shall have the lowest floor, including basement, elevated one foot (1') or more above base flood elevation.

2. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot (1') or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below one foot (1') above the base flood level the structure is watertight with walls 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 subsection 14-1-8C3b of this chapter;
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B.1.b ~~B1b~~ of this section; and

4. Manufactured Homes: All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot (1') or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection A.1.b ~~A1b~~ of this section.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Corrections and Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

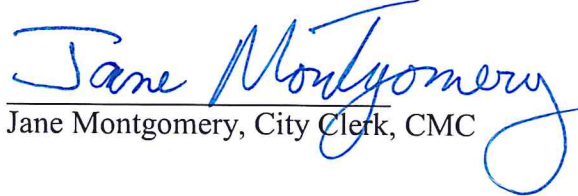
Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27TH DAY OF JANUARY, 2021

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:


Jane Montgomery, City Clerk, CMC

Approved as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 1.15.21
Passed by the City Council: 1.27.21
Ordinance No.2021-1072
Date of Publication: 1.29.21
Effective Date:2.2.21