

ORDINANCE NO. 3.38

AN ORDINANCE CONCERNING
FLOOD DAMAGE PREVENTION

SECTION 1.0 - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 Statutory Authorization

The Legislature of the State of Colorado has in C.R.S. 31-23-310, et. seq. 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 Town Council of the Town of Larkspur, Colorado does ordain as follows:

1.2 Findings of Fact

- (1) The flood hazard areas of Larkspur 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.
- (2) These flood losses are caused by the cumulative effect of obstructions in flood-prone areas which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

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

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (6) To help maintain a stable tax base by minimizing future flood blight areas;
- (7) To ensure that those who occupy the flood-prone areas assume responsibility for their actions.

1.4 Methods of Reducing Flood Losses

In order to accomplish its purpose, this ordinance includes methods and provisions for:

- (1) 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;

- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 - DEFINITIONS

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

"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.

"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 of runoff of surface waters from any source.

"Mobile 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. It does not include recreational vehicles or travel trailers.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial Improvement" 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:

- (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 purpose 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:

- (1) 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
- (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SECTION 3.0 - GENERAL PROVISIONS

3.1 Lands to which this ordinance applies

This ordinance shall apply to all areas located within the boundaries of the Town of Larkspur, Colorado.

3.2 Compliance

No structure or land shall hereinafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.3 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.4 Interpretation

In the interpretation of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

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

SECTION 4.0 - ADMINISTRATION

4.1 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins within the boundaries of the Town of Larkspur. Application for a Development Permit shall be made on forms furnished by the Designated Agent of the Town Council and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the areas in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

4.2 Designation of Local Administrator

The Local Administrator shall be the Designated Agent of the Town Council who is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 Duties and Responsibilities of the Local Administrator

Duties of the Designated Agent of the Town Council shall include, but not be limited to:

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.

- (2) Review all development permits to determine that all necessary permits have been obtained from those 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 flood-prone area. For the purpose of this ordinance, "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, then the permit shall be granted without further consideration.

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

If the proposed development is a building, then the provisions of this ordinance shall apply.

SECTION 5.0 - PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 If a proposed building site is located in a flood-prone area, all new construction and substantial improvements (including the placement of pre-fabricated buildings and mobile homes) shall conform to the following standards:

(1) Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) Construction Materials and Methods

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

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Utilities

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

(B) 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

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

(4) Subdivision Proposals

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities

and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and


- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Introduced as an Ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 3rd day of September, 1986, and passed by a vote of 7 for and 0 against, and ordered published.



Mayor

ATTEST:



Town Clerk