

ORDINANCE No. 97-4

AN ORDINANCE ADDING ARTICLE 7, ENTITLED "FLOODPLAIN REGULATIONS", TO THE TOWN OF HUDSON MUNICIPAL CODE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. A new Article 7, entitled "Floodplain Regulations", is added to the Town of Hudson Municipal Code to read as follows:

ARTICLE 7 Floodplain Regulations

16-120 Floodplain regulations.

(a) Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization.

a. The legislature of the State of Colorado has in Section 31-15-103, Colorado Revised Statutes, delegated the responsibility to local government units to adopt ordinances containing regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town of Hudson Board of Trustees does ordain as follows:

(2) Findings of fact.

a. The flood hazard areas of the Town of Hudson are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce of 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.

b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(3) Statement of purpose. It is the purpose of this Section to promote the public health, safety and general welfare, and to minimize public and private losses due to

welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control project;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(4) Methods of reducing flood losses. In order to accomplish its purposes, this Section includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling, filling, grading, dredging and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(1) Lands to which this Section applies. This Section shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hudson.

(2) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations.

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

(4) Interpretation. In the interpretation and application of this Section, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(5) Warning and disclaimer of liability. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Hudson, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

(d) Administration.

(1) Establishment of development permit.

a. A development permit shall be obtained before construction or development begins within the Town of Hudson.

b. Application for a development permit shall be made on forms furnished by the Town Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in questions; existing or proposed structures, fill, storage of materials,

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

(1) Base flood means the flood having a one-percent chance of being equalled or exceeded in any given year.

(2) 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.

(3) Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

(4) Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is attached to the required utilities. The term manufactured home does not include a recreational vehicle.

(5) Structure means a walled and roofed building or manufactured home that is principally above ground.

(6) Substantial Improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. 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 doe enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

(c) General provisions.

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

(iii) If the proposed development is a building, then the provisions of this Section shall apply.

(e) Provisions for flood hazard reduction.

(1) General standards. If a proposed building site is located in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall conform to the following standards:

a. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

b. Construction materials and methods.

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

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

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. utilities.

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

2. 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

drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) 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 contained in this Section; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Designation of the Town Administrator. The Town Administrator is hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with its provisions.

(3) Duties and responsibilities of the Town Administrator. Duties of the Town Administrator shall include, but not be limited to:

a. Permit review.

1. Review all development permits to determine that the permit requirements of this Section have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from 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 purposes of this Section, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and adjacent overbank areas.

(i) If it is determined that there is no adverse affect and the development is not a building, then the permit shall be granted without further consideration.

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

d. Subdivision proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. 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

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

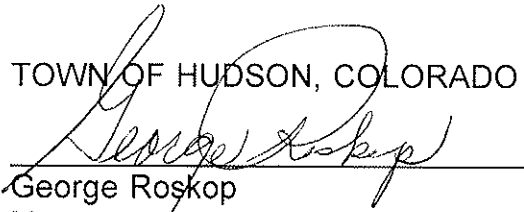
Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of application to other persons or circumstances.


Section 4. Effective Date. This ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, ADOPTED AND ORDER PUBLISHED ONCE IN FULL this 9th day of April, 1997.

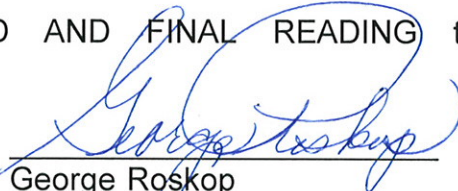


TOWN OF HUDSON, COLORADO



George Roskop
Mayor


Judy Larson
Town Clerk

PASSED ON SECOND AND FINAL READING this 23rd day of April, 1997.



George Roskop
Mayor

(SEAL)
TOWN OF HUDSON
SEAL
ATTEST
WELD COUNTY, COLORADO


Judy Larson
Town Clerk