

CHAPTER 11A

Flood Damage Prevention

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ARTICLE I

Authorization, Findings of Fact, Purpose and Objectives

Sec. 11A-1. Statutory authorization.

The Constitution and the Legislature of the state of Colorado have authorized and delegated the responsibility of local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council does adopt the following provisions of this Chapter. (Ord. 591, §1(part))

Sec. 11A-2. Findings of facts.

(a) The flood hazard areas of the City 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.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards 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 damage also contribute to the flood loss. (Ord. 591, §1(part))

Sec. 11A-3. Statement of purpose.

It is the purpose of this Chapter 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 interruption;
- (5) 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;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 591, §1(part))

Sec. 11A-4. Methods of reducing flood losses.

In order to accomplish its purposes, this Chapter 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 floodwaters;
- (4) Controlling filing, 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. (Ord. 591, §1(part))

ARTICLE II

Definitions

Sec. 11A-5. 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.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

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

Development means any manmade 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:

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

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished 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 nonelevation design requirements of this Chapter.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

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 fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. 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 or a State Inventory of Historic Places. (Ord. 591, §1(part); Ord. 705, §1A; Ord. 721, §1)

ARTICLE III

General Provisions

Sec. 11A-6. Lands to which this Chapter applies.

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of Fort Morgan Colorado. (Ord. 591, §1(part))

Sec. 11A-7. Establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM) dated February 5, 1986, is adopted by reference and declared to be a part of this Chapter. The FIRM is on file at City Hall at 710 East Railroad Avenue. (Ord. 591, §1(part); Ord. 705, §1B)

Sec. 11A-8. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. 591, §1(part))

Sec. 11A-9. Abrogation and greater restrictions.

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and any other provision of this Code, or ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 591, §1(part))

Sec. 11A-10. Interpretation.

In the interpretation and application of this Chapter, 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 appeal any other powers granted under state statutes. (Ord. 591, §1(part))

Sec. 11A-11. Warning and disclaimer of liability.

The degree of flood protection required by the provisions of this Chapter is considered reasonable 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 manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on the provision of this Chapter or any administrative decision lawfully made thereunder. (Ord. 591, §1(part))

ARTICLE IV

Administration

Sec. 11A-12. Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11A-7. Application for a development permit shall be made on forms furnished by the City Manager 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 question; existing or proposed structures, fill, storage or materials, 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 in Section 11A-16(b); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 591, §1(part); Ord. 1058, §2)

Sec. 11A-13. Designation of the City Manager.

The City Manager is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 591, §1(part); Ord. 1058, §2)

Sec. 11A-14. Duties and responsibilities of the City Manager.

Duties of the City Manager 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 governmental agencies from which prior approval is required;
 - c. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this Chapter, 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:

1. 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.

2. 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.

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

(2) When base flood elevation data has not been provided in accordance with Section 11A-7, the City Manager shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 11A-15.

(3) Information to be obtained and maintained.

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable 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 structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed;

2. Maintain the floodproofing certifications required in Section 11A-12(3).

c. Maintain for public inspection all records pertaining to the provisions of this Chapter.

(4) Alteration of watercourse.

a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a water course and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FHBM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions. (Ord. 591, §1(part); Ord. 705, §1C; Ord. 719, §1; Ord. 721, §2; Ord. 1058, §2)

ARTICLE V

Provisions for Flood Hazard Reduction

Sec. 11A-15. General standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

a. 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. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet only requiring one (1) additional tie per side;

2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

4. Any additions to the mobile home be similarly anchored.

(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.

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

(3) Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters 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 floodwaters; 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;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation data shall be provided for subdivisions proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(5) Encroachments. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 591, §1(part); Ord. 705, §§1D, E, F; Ord. 721, §§3, 4)

Sec. 11A-16. Specific standards.

(a) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(b) 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 the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) 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 the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 11A-14(3)b. (Ord. 591, §1(part); Ord. 721, §5)

