

**TOWN OF PARACHUTE
ORDINANCE NO.764-2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, ADOPTING THE MOST RECENT FLOOD INSURANCE RATE MAP AND AMENDING CHAPTER 15.05 OF THE PARACHUTE MUNICIPAL CODE TO PROVIDE FOR FLOOD DAMAGE PREVENTION.

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter; and

WHEREAS, Chapter 15.05 of the Parachute Municipal Code (the “Code”) provides for the prevention of flood damage by identifying areas of flood hazard and regulating uses thereon; and

WHEREAS, the State of Colorado Department of Natural Resources adopted Rules and Regulations for Regulatory Floodplains in Colorado on November 17, 2010 codified at 2 CCR 408-1; and;

WHEREAS, these rules are the effective minimum standards for all communities in the State of Colorado; and

WHEREAS, the Town must meet these effective minimum standards if it is to remain within National Flood Insurance Program requirements; and

WHEREAS, the Town wishes to comply with these effective minimum standards for the protection of its residents; and

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency has completed modified flood hazard determinations for Garfield County and its Incorporated Areas, and has provided a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) to the Town; and;

WHEREAS, the Town Council finds it in the public health, safety, and welfare to adopt the most updated FIRM for the Town and amend Chapter 15.05 to provide for flood damage prevention.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Flood Insurance Rate Map 082150001A for Garfield County and accompanying Flood Insurance Study both dated September 27, 1991 and attached hereto as Exhibits A and B, as may be further revised or amended, are hereby adopted, and incorporated as if set forth in full.

Section 3. Chapter 15.05 of the Parachute Municipal Code is hereby amended amended as follows, with double underlined text added and ~~strike through language~~ deleted. Sections of Chapter 15.05 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

15.05.190 Severability

Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the Town Council of the Town of Parachute that such invalid or unenforceable provisions are severable.

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15.05.260 Penalty for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation pursuant to PMC 15.01.280.

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15.05.310 Basis for establishing the special flood hazard area.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study Town of Parachute, Garfield Colorado”, dated September 27, 1991 ~~“Flood Insurance Study Garfield County, Colorado and Incorporated Areas,” dated October 15, 2015,~~ with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated by the Town. These supplemental studies may include flood hazard area delineation (FHAD) studies, or other one hundred (100) year floodplain studies approved by the Town, Garfield County, or other local, regional, state or federal agencies.

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15.05.350 Floodways.

Located within special flood hazard area established in PMC 15.05.310 are areas designated as floodways. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state of Colorado has adopted floodway standards that are more stringent than the FEMA minimum standard. (see definition of Floodway in Article 4) The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (0.5') (six inches (6")). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following additional provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the Town during the occurrence of the base flood discharge.

B. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that the Town first applies for a CLOMR and floodway revision through FEMA.

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15.05.410 Words and terms.

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“Area of shallow flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Base Flood” means the flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

“Base Flood Elevation (BFE)” means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

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“Code of Federal Regulations (CFR)” means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation. “Critical facility” means a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

“Community” means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

“Critical facility” means a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

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“Floodproofing” means any combination of structural and/or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway (regulatory floodway)” means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation. See Figure 5.2.

“Freeboard” means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

* * *

“Manufactured home park, new” means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a flood insurance rate map are referenced.

“Material safety data sheet (MSDS)” means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

* * *

“National Flood Insurance Program (NFIP)” means FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

“New Construction” means Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“No-rise certification” means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the one hundred (100) year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 18th day of April 2019 and approved by the Mayor on the 18th day of April 2019.



TOWN OF PARACHUTE, COLORADO

Roy B. McClung

Roy McClung, Mayor

ATTEST:

Lucy Cordova

Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, ADOPTING THE MOST RECENT FLOOD INSURANCE RATE MAP AND AMENDING CHAPTER 15.05 OF THE PARACHUTE MUNICIPAL CODE TO PROVIDE FOR FLOOD DAMAGE PREVENTION.

was introduced before the Town Council on April 18, 2019; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on April 18, 2019, and approved by the Mayor on April 18, 2019.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 18 day of April, 2019.

TOWN OF PARACHUTE



Lucy Cordova, Town Clerk