

ORDINANCE NO. 5, SERIES 2014

AN EMERGENCY ORDINANCE AMENDING TOWN ORDINANCE 8, SERIES 2012  
PROVIDING FOR THE PREVENTION OF FLOOD DAMAGE THROUGH ADOPTION OF  
PRINCIPLES PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

WHEREAS, the Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses, and to promote the public health, safety and general welfare of citizens, and

WHEREAS, the flood hazard areas of The Town of Jamestown are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public, and

WHEREAS, these flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to flood and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage, and

WHEREAS, the Town Board of Trustees have adopted Ordinance 8, Series 2012, *AN ORDINANCE PROVIDING FOR THE PREVENTION OF FLOOD DAMAGE THROUGH ADOPTION OF PRINCIPLES PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY* on November 5, 2012, and which became effective on December 4, 2012, and

WHEREAS, the floods of September 11-14, 2013 caused great damage to the Town and changed the location and depth of James Creek and its tributaries, and

WHEREAS, the Town has entered into a contract with AMEC Environment and Infrastructure, Inc., and completed a Stream Corridor Master Plan which is the basis for determination of revised Special Flood Hazard Areas, (temporary alternative construction requirements) and revised flood insurance rate maps, and

WHEREAS, in order to allow property owners to more immediately rebuild in a manner consistent with principles promulgated by the Federal Emergency Management Agency, certain revisions must be made to Ordinance 8, Series 2012,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. Applicability: the following sections of Ordinance 8, Series, 2012 are revised as follows. Articles, sections or parts not specifically listed below are intended to remain in effect:

Article III, Section B. Basis for Establishing the Special Flood Hazard Area: (entire Section to read as follows) The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Boulder County, Colorado and Incorporated Areas" dated December 18, 2012 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be part of this ordinance. Alternatively, the scientific and engineering report prepared by AMEC Environmental and Infrastructure, Incorporated and titled "The Jamestown Stream Corridor Master Plan" and accompanying Special Flood Hazard Areas maps, as revised, are

also adopted by reference and declared to be part of this ordinance. In order to determine whether a property is within the Special Flood Hazard Area, maps associated with each adopted report must be consulted. In each case, the map with the most stringent restrictions shall prevail.

Article III, Section C, Establishment of a Floodplain Development Permit: (entire section to read as follows) A floodplain development permit shall be required to ensure conformance with the provisions of this ordinance. Property owners or their agents may apply for such permit with the Town Floodplain Administrator upon the effective date of this ordinance. Concurrently, property owners or their agents may apply for building permits, demolition permits and any other necessary permit needed to support new building and rebuilding upon the effective date of this ordinance.

Article IV, Section B. Duties and Responsibilities of the Floodplain Administrator: (add)

12. Provide a monthly written report to the Town Board of Trustees to be read along with the Clerks report and to include the status of each pending, approved, and disapproved permit.

Article IV, Section D. Variance Procedures: (item 1. is changed to read)

1. The Town Board of Jamestown shall be the formal Appeal Board as referenced in this section. And shall hear and render judgment on requests for variances from the requirements of this ordinance. If a request for variance is based on a dispute over the application of a technical standard, engineering data or scientific data, the Appeal Board shall require the applicant to provide the basis for the variance request in a letter or scientific or engineering report signed by an engineer specializing in Hydrology and licensed by the State of Colorado.

Section 2. Repeal: All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict. Ordinance 3, 2013, establishing a temporary moratorium on building permits, floodplain permits and other approvals is hereby repealed.

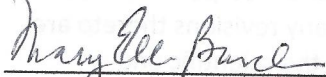
Section 3. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

Section 4. Safety Clause: Ordinance Immediately Effective: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY TITLE THIS 21st DAY OF JANUARY, 2014.

TOWN OF JAMESTOWN, COLORADO

attest:



Mary Ellen Burch, Town Clerk



Tara Schoedinger, Mayor