

ORDINANCE NO. 1249

AN ORDINANCE AMENDING CHAPTER 21 ARTICLE 14 OF THE CITY OF FORT MORGAN MUNICIPAL CODE CONCERNING FLOODPLAIN HAZARD MITIGATION

WHEREAS, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, pursuant to that authority, the City has previously adopted floodplain hazard mitigation regulations in 2014 for the safety and welfare of the community and updated Federal Emergency Management Agency ("FEMA") map references in 2017 and most recently in 2018 via Ordinance No. 1208; and

WHEREAS, the accuracy of the reference to the FEMA maps is essential to maintain compliance with Colorado State and FEMA regulations; and,

WHEREAS, additional updates to, and references within, the Fort Morgan Municipal Code should be made to bring the City of Fort Morgan's regulations and map references into compliance, which are based upon notification by FEMA of modified flood hazard determinations affecting the Flood Insurance Rate Map ("FIRM") and Flood Insurance Study ("FIS") reported for Morgan County, Colorado, and Incorporated Areas, and summarized in FEMA's "Final Summary of Map Actions," all of which becomes effective on May 18, 2021.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,

Section 1: Chapter 21 Article 14 section 10 of the Fort Morgan Municipal Code, is hereby amended to read as follows:

Sec. 21-14-10. - Purpose and applicability.

The City desires to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in areas designated as Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Morgan County Colorado, and Incorporated Areas," dated May 18, 2021, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance, including, but not limited to, FEMA's most updated FIRM and FIS for the City of Fort Morgan and the

surrounding community, effective on May 18, 2021. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the City of Fort Morgan. The Floodplain Administrator shall keep a copy of the **most recent versions of the** Flood Insurance Study (FIS), DFIRMs, and FIRMs on file and available for public inspection.

Therefore, the City hereby:

- (1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities;
- (2) Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controls the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Controls filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.


SECTION 2. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.


SECTION 3. 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.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 20th day of April, 2021.

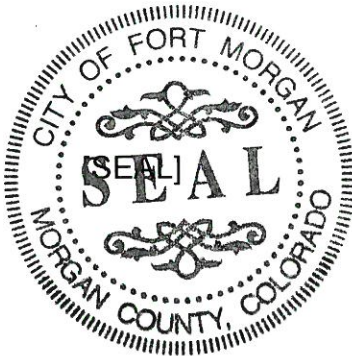
THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO



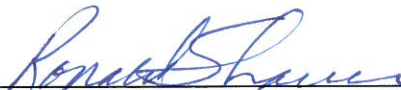

By: Ronald Shaver
Mayor


Attest:

John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 4th day of May, 2021.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



By: Ronald Shaver
Mayor

Attest:

John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1249** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of April, 2021. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 23rd day of April, 2021, published in *The Fort Morgan Times*, a daily newspaper of general circulation published

and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 4th day of May, 2021. Within five (5) days after its final passage, said **Ordinance No. 1249** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan
City Clerk