

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 14
(SERIES OF 2017)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
ADOPTING A NEW FIRM MAP AND AMENDING SECTIONS 18-161, 18-
163, 18-166, 18-168, 18-172, AND 18-174 OF THE BUENA VISTA
MUNICIPAL CODE CONCERNING THE TOWN'S FLOOD
REGULATIONS**

WHEREAS, in order to participate in the national flood insurance program, the Town must adopt a new Flood Insurance Study ("FIS") and Floodplain Insurance Rate Map ("FIRM") created by FEMA;

WHEREAS, the Town's FIS and FIRM have been recently updated by FEMA and the Town desires to adopt the map in order to maintain the ability of its citizens to obtain flood insurance and to maintain the Town's continued ability to receive federal grants and funding related to floodplain management;

WHEREAS, the Town also desires to adopt new fencing regulations within the 100-year floodway and 100-year flood plains; and

WHEREAS, the Town desires to make minor revisions to correct a typographical error within the floodplain regulations and update certain provisions as required by the state and federal government.

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

Section 1. Section 18-161 of the Buena Vista Municipal Code is hereby amended by the addition of a new subsections (c) and (d) to read as follows:

(c) The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town or any official or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

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

Section 2. Section 18-163 of the Buena Vista Municipal Code is hereby amended the following definitions, to be inserted in alphabetical order:

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Recreational vehicle means, for purposes of this Article, a vehicle which is: 1) built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Section 3. Section 18-166 of the Buena Vista Municipal Code is hereby renamed and repealed and reenacted to read as follows:

Sec. 18-166 – Adoption of FIS and Establishment of SFHAs.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Chaffee County, Colorado, and Incorporated Areas," dated December 7, 2017, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the Flood Insurance Study (FIS) and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Board of Trustees. The Town Clerk shall keep a copy of the FIS, DFIRMs, and FIRMs on file and available for public inspection at 210 East Main Street, Buena Vista, Colorado 81211.

Section 4. Section 18-168(9) of the Buena Vista Municipal Code is hereby amended to read as follows:

Pursuant to 44 CFR § 65.12 of the NFIP, the Town may approve certain development in Zones A1-30, AE, AH, on the FIRM which increases the water surface elevation of the base flood by more than one-half (½) foot, provided that the Town first applies for a CLOMR, fulfills the requirements of § 65.12 and receives FEMA approval.

Section 5. Section 18-172 of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection (6) to read as follows:

(6) Fences. Fences that existed prior to the effective date of the FIRM as listed in Section 18-166 are allowed to remain as long as they are maintained in good condition. New fences installed after that date in the A, AE, AO, AH zones and floodway zone are subject to the Town of Buena Vista Flood Regulations for the appropriate zone.

Section 6. Section 18-174 of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection (d) to read as follows:

(d) New fences. A permit is required for all new fences. New fences are only allowed if the fence style allows for flood waters to pass without obstruction. Open pipe or rail

fences are allowed only if they are at least 90% open and have posts placed no closer than 8 feet apart. Other wire, pipe, or rail fencing that is not considered "open" shall include minimum spacing of not less than 6" x 6" square openings. Chain link and solid screening fences are not allowed.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 14th day of November, 2017.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Joel Benson

ATTEST:

Paula Barnett, Town Clerk

(SEAL)