

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
Council Bill No. 10
Ordinance No. 1716
Series of 2021

TITLE: AN ORDINANCE AMENDING CHAPTERS 2 AND 26 OF THE CODE OF LAWS OF THE CITY OF WHEAT RIDGE TO PROHIBIT TENTS AND MAKESHIFT STRUCTURES WITHIN THE FLOODPLAIN AND TO AMEND THE FLOODPLAIN PERMITTING AND VARIANCE PROCESSES

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a political subdivision of the State of Colorado organized and existing as a home rule municipality pursuant to Article XX of the Colorado Constitution and the home rule charter for the City (the "Charter"); and

WHEREAS, pursuant to section 1.3 of the Charter, the City has all the power of local self-government and home rule and all the power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, under this home rule authority and C.R.S. § 31-23-301, the City has the authority to establish, regulate, restrict, and limit uses on or along any storm or floodwater runoff channel or basin, as such storm or floodwater runoff channel or basin has been designated and approved by the Colorado water conservation board, in order to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or floodwaters; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("City Council") previously adopted floodplain control regulations, codified as Article VIII of Chapter 26 of the Wheat Ridge Code of Laws; and

WHEREAS, the City Council finds that the location of tents and similar moveable makeshift structures used for human occupancy within the floodplain presents a serious threat to the life, safety and well-being of both the inhabitants of the temporary structures and others; and

WHEREAS, such threats include the risk of death and injury from drowning, such as the drowning death of a 38-year-old woman during a high water event in North Dry Gulch in Lakewood on July 21, 2019; the risk to first responders presented by swift-water rescues of inhabitants of makeshift structures during times of flood; the contribution of debris and materials from makeshift structures to the flood load, potentially clogging bridge and culvert openings; and the byproducts of human habitation, such as trash and feces, polluting the floodwaters, endangering the public at large; and

WHEREAS, the City Council further finds that floodplain permits are best reviewed and decided by someone with experience and training in flood control rules, methods and technical issues, such as the City Floodplain Administrator, with a level of review and appeal to the Building Code Advisory Board, the City board most familiar with technical building code interpretation and application; and

WHEREAS, the City Council therefore desires to amend the City flood control regulations to prohibit tents and makeshift structures within the floodplain, to authorize the Floodplain Administrator to issue floodplain permits and to authorize the Building Code Advisory Board to hear and decide appeals and variances concerning flood control, all in furtherance of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. The first sentence of Subsection 2-53(d) of the Code of Laws, concerning the Board of Adjustment voting rules, is hereby amended as follows:

- (d) Notwithstanding any other provision in this section, the following voting rules shall be in effect for all matters requiring decision by the board of adjustment to grant any variance, waiver, temporary building or use permit, OR any interpretation ~~or floodplain special exception permit~~ (or for any matter requiring decision by the planning commission or the city council under Section 26-6(D) of the Zoning Ordinance of the city):

Section 2. Section 2-59 of the Code of Laws, concerning the City Building Code Advisory Board, is hereby amended by the addition of the following new subsection (h), to read in its entirety:

(H) THE BUILDING CODE ADVISORY BOARD SHALL HAVE THE AUTHORITY TO HEAR AND DECIDE APPEALS FROM DECISIONS OF THE FLOODPLAIN ADMINISTRATOR AND VARIANCE APPLICATIONS UNDER ARTICLE VIII OF CHAPTER 26 OF THIS CODE.

Section 3. Subsection 2-61(a) of the Code of Laws, concerning the Board of Adjustment, is hereby amended as follows:

- (a) The board of adjustment shall have the authority to hear and decide requests for variances and waivers of the city zoning ordinance, ~~floodplain zoning ordinance~~, and sign code, and for interpretation of those ordinances and codes and the subdivision regulations, subject to those guidelines set forth in the Zoning Ordinance, section 26.D., and as approved by the city council in the form of official rules and regulations for the board of adjustment.

Section 4. Section 26-106 of the Code of Laws, concerning the review process chart, is hereby amended in the second to last row as follows:

<i>Approval Requested</i>	<i>Pre-Application</i>		<i>Final</i>					<i>Notes</i>
	<i>Staff</i>	<i>Neighborhood</i>	<i>Staff</i>	<i>PC</i>	<i>CC</i>	<i>BOA</i>	<i>URP</i>	
Floodplain Permit – Class II	4X		<u>A</u>			<u>H</u>		§ 26-806

Section 5. Section 26-802 of the Code of Laws, concerning definitions related to the Floodplain Regulations, is hereby amended by the addition of the following new definition:

BCAB. THE WHEAT RIDGE BUILDING CODE ADVISORY BOARD, AS ESTABLISHED AND DEFINED BY SECTION 2-59 OF THIS CODE.

Section 6. Subsection 26-805.B.2. of the Code of Laws, concerning permitted uses within the Floodway, is hereby amended as follows:

Sec. 26-805. - Floodway regulations.

B. *Permitted uses.* The following open uses shall be permitted within the floodway to the extent that they are not prohibited in a particular area by any underlying zoning and do not include any structures, filling or deposition of materials, and do not cause any increase in the base flood elevation of the floodway.

2. Public and private recreational uses not requiring permanent or temporary structures such as parks, swimming areas, picnic grounds, wildlife and nature preserves, and fishing and hiking areas, EXPRESSLY EXCLUDING ANY USE INVOLVING TENTS OR MAKESHIFT STRUCTURES USED FOR HUMAN HABITATION.

Section 7. Subsection 26-805.D.2. of the Code of Laws, concerning prohibited uses within the Floodway, is hereby amended as follows:

D. *Prohibited uses.*

2. ALL USES PROHIBITED WITHIN THE SFHA UNDER SECTION 26-806.C. ~~The storage or processing of materials that are buoyant, flammable, or explosive, or any hazardous liquid or soluble matter which in times of flooding could be injurious to human, animal or plant life shall be prohibited within the floodway.~~

Section 8. Subsection 26-806.C of the Code of Laws, concerning prohibited uses within the Special Flood Hazard Area, is hereby amended as follows:

Sec. 26-806. - Special flood hazard area regulations.

C. *Prohibited uses.*

1. *Hazardous materials.* The storage or processing of materials that are buoyant, flammable, or explosive, or any hazardous liquid or soluble matter which in times of flooding could be injurious to human, animal, or plant life shall be prohibited within the SFHA.

2. *TENTS AND MAKESHIFT STRUCTURES.* TENTS AND MAKESHIFT STRUCTURES, ENCLOSURES OR OTHER SHELTERS USED FOR HUMAN HABITATION ARE PROHIBITED WITHIN THE SFHA, EXCEPT IN LOCATIONS EXPRESSLY PERMITTED BY THE FLOODPLAIN ADMINISTRATOR AND HAVING ADEQUATE SANITATION FACILITIES AND FLOOD EVACUATION PLANS.

Section 9. Section 26-808 of the Code of Laws, concerning the administration of the City's Floodplain Control regulations, is hereby amended as follows:

Sec. 26-808. - Administration.

A. *Floodplain administrator.* The community development director of the City of Wheat Ridge or designee shall be the floodplain administrator. The duties of the administrator shall include, but not be limited to:

1. *Coordination between departments and divisions:*

a. Coordinate the application, permit, review, appeal, certification, and enforcement processes between the office of the floodplain administrator and other departments and divisions as appropriate to ensure compliance with these regulations and an efficient use of staff.

b. All applications and certifications shall be submitted to the community development department from which further routing to other departments and divisions and utility companies shall occur.

~~c. All administrative decisions require the property to be posted for fifteen (15) days. If no protests are filed, the permit may be issued by the floodplain administrator. If a protest is filed, then a public hearing before the board of adjustment will be scheduled following the applicable noticing and other requirements of section 26-109.~~

2. *Development permit review:*
 - a. Review all development permits, which include building permits, to determine whether a property is within the SFHA and that the applicable requirements of these regulations have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required.
3. *Information to be obtained and maintained:*
 - a. Obtain certification from applicant's engineer and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - b. Maintain for public inspection all records pertaining to the provisions of these regulations.
 - c. All records required by these regulations shall be maintained with the associated development permits in the community development department.
4. *Use of other base flood data.* When base flood elevation data has not been provided by the applicant or his representative, the floodplain administrator may obtain, review, and reasonably utilize any base flood and floodway elevation data available from federal, state, or other sources as criteria for requiring that new construction, substantial improvements, or other development in the SFHA in order to administer subsections 26-806C., D. and F.
5. *Alteration or relocation of watercourses:*
 - a. No alteration or relocation of a watercourse shall occur without the approval of the floodplain administrator. Consideration of gravel extraction operations shall be in accordance with state law (C.R.S. § 3-4-1-301).
 - b. Upon receiving approval, the applicant shall notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA. The applicant shall provide all data required by FEMA for a letter of map revision.
 - c. The carrying capacity of an altered or relocated watercourse shall be maintained.

6. *Interpretation of digital flood insurance rate map (DFIRM) boundaries.* The floodplain administrator shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection B., below.

B. *Mapping disputes.* The following procedure shall be used by the floodplain administrator in deciding contested cases in which the location of a district boundary is disputed:

1. In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to submit his own technical evidence if he so desires. The floodplain administrator shall not allow deviations from the boundary line as mapped. If the evidence clearly and conclusively establishes that the mapped location of the line is incorrect, a FEMA letter of map revision must be completed by the applicant prior to the issuance of a development permit.

2. The administrator shall render a written opinion within thirty (30) days following receipt of the applicant's technical evidence setting forth the findings of fact and the reasons for the decision.

3. Applicants shall have the right to appeal such decisions to the BCAB ~~board of adjustment~~. Application for appeal must be made within thirty (30) days.

C. *Floodplain permits:*

1. *Application.* There shall be two (2) types of floodplain permits: Class I and Class II. The approval of either floodplain permit does not substitute for any other permit that may be required by city ordinance, such as building permits.

2. *Floodplain permit—Class I.* Any use enumerated in this paragraph may be permitted only upon the issuance of a Class I floodplain permit by the floodplain administrator and in compliance with section 26-806.D.

a. Structures for non-human occupancy. Fences, sheds, signs, and accessory buildings may be permitted only upon a finding that the structures do not create a negative impact on the base flood elevation or flow velocity.

b. PERMANENT Structures for human occupancy. Improvements to existing structures may be permitted only upon

a finding that the improvements proposed are not substantial improvements, as defined in section 26-802. TEMPORARY STRUCTURES FOR HUMAN OCCUPANCY, SUCH AS TENTS OR MAKESHIFT STRUCTURES ARE NOT PERMITTED WITHIN THE SFHA, EXCEPT IN LOCATIONS EXPRESSLY PERMITTED BY THE FLOODPLAIN ADMINISTRATOR AND HAVING ADEQUATE SANITATION FACILITIES AND FLOOD EVACUATION PLANS.

c. Fill or deposition of material. Fills or deposition of materials may be permitted only upon a finding that the proposed plan will comply with section 26-806.D.

3. *Floodplain permit—Class II.* Any use enumerated in this paragraph may be permitted only upon the issuance of a Class II floodplain permit by the FLOODPLAIN ADMINISTRATOR ~~board of adjustment after a public hearing~~ and in compliance with section 26-806.D. AND SECTION 26-808.C.4.

a. PERMANENT Structures for human occupancy. New construction or substantial improvement of any residential, commercial, industrial, or other nonresidential structure may be permitted only upon a certification by a registered professional engineer to the floodplain administrator that the lowest floor, including basement, is elevated to one (1) foot or more above the base flood elevation. TEMPORARY STRUCTURES FOR HUMAN OCCUPANCY, SUCH AS TENTS OR MAKESHIFT STRUCTURES ARE NOT PERMITTED WITHIN THE SFHA, EXCEPT IN LOCATIONS EXPRESSLY PERMITTED BY THE FLOODPLAIN ADMINISTRATOR AND HAVING ADEQUATE SANITATION FACILITIES AND FLOOD EVACUATION PLANS.

b. Manufactured homes. New manufactured home parks and manufactured home subdivisions, expansions of existing manufactured home parks and manufactured home subdivisions, and existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the street utilities exceeds fifty (50) percent of the fair market value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, may be permitted only upon a certification by a registered professional engineer to the floodplain administrator that:

(1) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated

one (1) foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system. Manufactured homes shall be anchored in accordance with subsection D.12. of section 26-806; and

(2) Adequate surface drainage and access for a hauler will be provided.

4. *CLASS II FLOODPLAIN PERMIT REVIEW CRITERIA:* THE FLOODPLAIN ADMINISTRATOR SHALL BASE THE DECISION TO APPROVE, CONDITIONALLY APPROVE OR DENY AN APPLICATION FOR A CLASS II FLOODPLAIN PERMIT BASED UPON THE FOLLOWING FACTORS:

A. THE DANGER THAT MATERIALS MAY BE SWEEPED INTO OTHER LANDS TO THE INJURY OF OTHERS;

B. THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION DAMAGE;

C. THE SUSCEPTIBILITY OF THE PROPOSED FACILITY AND ITS CONTENTS TO FLOOD DAMAGE AND THE EFFECT OF SUCH DAMAGE ON THE INDIVIDUAL OWNER;

D. THE IMPORTANCE OF THE SERVICES PROVIDED BY THE PROPOSED FACILITY TO THE COMMUNITY;

E. THE NECESSITY TO THE FACILITY OF A WATERFRONT LOCATION, WHERE APPLICABLE;

F. THE AVAILABILITY OF ALTERNATIVE LOCATIONS FOR THE PROPOSED USE WHICH ARE NOT SUBJECT TO FLOODING OR EROSION DAMAGE;

G. THE COMPATIBILITY OF THE PROPOSED USE WITH THE EXISTING AND ANTICIPATED DEVELOPMENT;

H. THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE DEVELOPMENT PLAN AND FLOODPLAIN MANAGEMENT PROGRAM FOR THE AREA;

I. THE SAFETY OF ACCESS TO THE PROPERTY DURING TIMES OF FLOOD FOR ORDINARY AND EMERGENCY VEHICLES;

J. THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE, AND SEDIMENT TRANSPORT OF THE FLOODWATERS EXPECTED AT THE SITE;

K. THE COSTS OF PROVIDING GOVERNMENTAL SERVICES DURING AND AFTER FLOOD CONDITIONS, INCLUDING MAINTENANCE AND REPAIR OF PUBLIC UTILITIES AND FACILITIES, SUCH AS SEWER, GAS, ELECTRICAL, AND WATER SYSTEMS, STREETS, AND BRIDGES; AND

L. COMPLIANCE WITH APPLICABLE STATE AND FEDERAL FLOODPLAIN REGULATIONS.

5. *Submittal requirements.* The applicant for a floodplain permit shall provide the following information as a part of the application, unless waived by the administrator:

a. Completed application form and required application fee.

b. A plan certified by a registered engineer, competent in open-channel hydraulics, which accurately locates the applicant's property with respect to the SFHA limits, channel of stream, existing developments, together with all pertinent information such as: the nature of the proposal; legal description of the property; fill limits and elevations; building's lowest floor elevations in relation to the datum used on the FEMA map and study; floodproofing measures and elevation in relation to mean sea level to which any structure has been floodproofed; a report covering the effects of equal degree of encroachment of other nearby properties of the SFHA; and a description to the extent to which any watercourse will be altered or relocated as a result of the proposed development.

c. In addition, all subdivision proposals and other proposed new developments which are located in any SFHA shall include within such proposals base flood elevations.

d. As much of the following additional information as is deemed necessary by the floodplain administrator for the evaluation of the effects of the proposal upon flood flows and the floodplain and to render a decision on the floodplain permit:

(1) A typical cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high-water information.

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water

supply, and sanitary facilities; soil types; and other pertinent information.

(3) Profile showing the slope of the 100-year flood and the bottom of the channel or thalweg of the stream.

(4) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

(5) Hydraulic calculations for all proposed channelization.

e. The applicant for a building permit for work within a special flood hazard area shall include as a part of its application a lot survey that illustrates all applicable floodplain boundaries, including the floodway, if present.

5 6. *Factors upon which the decision shall be based.* The determination of the floodplain administrator ~~or the board of adjustment~~ on each floodplain permit shall be based on the effects of the proposed project with respect to the objectives and purpose of these regulations as stated in section 26-801.

6 7. *Conditions attached to floodplain permits.* Upon consideration of the factors listed above and purposes of these regulations, the floodplain administrator ~~or board of adjustment~~ may attach such conditions as deemed necessary in furthering the purposes of these regulations. A copy of these conditions shall be presented to the applicant and a copy of these conditions shall be transmitted to the chief building official, which shall be kept on file.

Such conditions may include specifications for, without limitation because of specific enumeration, modification of sewage disposal and water supply facilities, modification of other waste disposal methods and facilities, landscaping periods of operation, operational controls, sureties, deed restrictions, and adequate floodproofing.

a. *Floodproofing:* Floodplain permits requiring floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area and flood velocities, forces, and other factors associated with the flood protection elevation.

The floodplain administrator shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood protection elevation for the particular area.

Floodproofing measures may include the following:

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of watertight doors, bulkheads, and shutters.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems to prevent the entrance of floodwaters.
- (8) Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
- (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

Furthermore, measures must be taken to ensure that the construction does not in any way cause the 100-year flood to become more damaging to other residents within the SFHA.

~~7.8. Class I Floodplain permits; timeliness of decision.~~ The floodplain administrator shall render a written decision granting or denying EACH the floodplain permit application. If a denial is made, the decision shall set forth the floodplain administrator's findings of fact and reasons for the denial. Applicants shall have the right to appeal any adverse decision OR CONDITION to the BCAB board of adjustment. Such appeal must be filed with the BCAB board of adjustment within thirty (30) days from the date of the floodplain administrator's decision.

D. Review by the BCAB board of adjustment.

1. The BCAB board of adjustment of the City of Wheat Ridge shall hear and decide appeals of ~~Class I~~ floodplain permits which

have been denied or conditionally approved by the floodplain administrator, and requests for Class II floodplain permits as provided within these regulations.

~~2. The board of adjustment shall hear and decide appeals of Class I floodplain permits when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of these regulations. Any decision in favor of the applicant shall be considered a variance.~~

~~3.2. Those aggrieved by the decision of the board of adjustment may appeal such decisions to the Jefferson County District Court, as provided by the Wheat Ridge Code of Laws.~~

4.2. In passing upon ANY APPEAL OR VARIANCE APPLICATION such application, the BCAB board of adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and: REFERRAL AND REVIEW COMMENTS RECEIVED FROM THE COLORADO WATER CONSERVATION BOARD (CWCB) AND THE FEDERAL INSURANCE ADMINISTRATOR, WITHIN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), CONCERNING COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS.

- ~~a. The danger that materials may be swept into other lands to the injury of others;~~
- ~~b. The danger to life and property due to flooding or erosion damage;~~
- ~~c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~d. The importance of the services provided by the proposed facility to the community;~~
- ~~e. The necessity to the facility of a waterfront location, where applicable;~~
- ~~f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
- ~~g. The compatibility of the proposed use with the existing and anticipated development;~~
- ~~h. The relationship of the proposed use to the comprehensive development plan and floodplain management program for the area;~~

~~i. The safety of access to the property during times of flood for ordinary and emergency vehicles;~~

~~j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;~~

~~k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems, streets, and bridges.~~

5 3. Upon consideration of the factors, STANDARDS AND REFERRAL COMMENTS AS SET FORTH IN ~~of~~ subsection D.4., above, the BCAB ~~board of adjustment~~ shall affirm or reverse, in whole or in part, the decision of the floodplain administrator (~~with respect to Class I floodplain permits~~), and may attach such conditions to the granting of A VARIANCE TO THE floodplain permits ~~or variance~~ as it deems necessary to further the purposes of these regulations.

6 4. The floodplain administrator shall maintain the records of all appeal actions, including technical information, and report any variance to THE CWCB AND FEMA, ~~upon request~~.

E. *Conditions for Class I floodplain permit variances.*

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

2. Variances shall not be issued within any designated floodway.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud on, or victimization of the public as identified in section 26-801(c), or conflict with existing local laws or ordinances.

F. *Staking at construction sites.* The owner of any property located in whole or in part within the special flood hazard area upon which construction is occurring shall locate, or cause to be located, stakes that mark the boundaries of the floodplain, including the floodway, if present.

G. *Notice to tenants.* The owner of any property located in whole or in part within the special flood hazard area that is made available for rent, lease or any other form of tenant occupancy shall disclose to each potential tenant the existence and boundaries of the floodplain on the property. At a minimum, such disclosure must be included in the lease, rental agreement or other written instrument.

Section 10. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 11. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 12. Effective Date. This Ordinance shall take effect upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 28th day of June 2021, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for **July 12, 2021, at 7:00 p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, if allowed to meet in person on that date per COVID-19 restrictions.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 12 day of July, 2021.

SIGNED by the Mayor on this 12 day of July, 2021



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved As To Form



Gerald E. Dahl, City Attorney

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Jeffco Transcript:
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