

AN EMERGENCY ORDINANCE

REPEALING AND REPLACING IN ITS ENTIRETY SECTION 14.25.050 OF THE LAKEWOOD MUNICIPAL CODE CONCERNING FLOODPLAIN MANAGEMENT, AND FURTHER, DECLARING AN EMERGENCY

WHEREAS, the City of Lakewood regulates by ordinance development within floodplains throughout the City;

WHEREAS, the City of Lakewood participates in the National Flood Insurance Program of the Federal Emergency Management Agency;

WHEREAS, the City Council of the City of Lakewood desires to repeal and replace Lakewood Municipal Code section 14.25.050 with the intent of maintaining a current and updated floodplain management ordinance as required for continued participation in the National Flood Insurance Program;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal code by setting a public hearing in order to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The recitals set forth above are incorporated herein.

SECTION 2. Section 14.25.050 of the Lakewood Municipal Code is hereby repealed and replaced in its entirety with the following:

14.25.050 Adoption of Flood Insurance Study, Flood Insurance Rate Map and Official Flood Studies.

A. There is hereby adopted the Flood Insurance Study for Jefferson County, Colorado and Incorporated Areas prepared by the Federal Emergency Management Agency, effective August 02, 2022, and amendments thereto, and the Flood Insurance Rate Map, effective August 02, 2022, and amendments thereto, and the following studies and amendments thereto and all technical back-up information as the Official Flood Studies for Lakewood, Colorado. A copy of said Map, studies and amendments are on file with the City of Lakewood Department of Public Works and available for public inspection.

1. Flood Hazard Area Delineation
Weir Gulch Tributaries
1st Avenue - Dakota Avenue

July, 1977

2. Major Drainageway Planning
Weir Gulch Tributaries
1st Avenue and Dakota Avenue
Depew Street Basin
Portions of this study are superseded by
(19) and (24) below. July, 1978
3. Major Drainageway Planning, Volume 2
Sanderson Gulch/Weir Gulch
Portions of this study are superseded by
(4), (16) and (26) below. August, 1972
4. Weir Gulch
Drainage Improvements Schedule III
South. Garrison Street to
Main Reservoir January, 1977
5. Flood Hazard Area Delineation
Lakewood Gulch February, 1979
6. Flood Hazard Area Delineation
McIntyre Gulch October, 1977
7. Flood Hazard Area Delineation
Sloans Lake Drainageway and Tributaries
July 2018
8. Flood Hazard Area Delineation
Green Mountain Area
Portions of this study are superseded by
(22) and (25) below April, 1978
9. Flood Hazard Area Delineation
South Lakewood Gulch July, 1977
10. Flood Hazard Area Delineation
Bear Creek December, 1979
11. Master Drainage Plan, Volume 2
Lena Gulch
Portions of this study are superseded by
(17) and (18) below. June, 1975
12. Flood Hazard Area Delineation
Dry Gulch and Tributaries November, 1977
13. Flood Hazard Area Delineation
Henry's Lake Drainageway
Portions of this study are superseded by
(20) and (21) below. July, 1983

14. Flood Hazard Area Delineation Weaver Creek	May, 1981
15. Flood Hazard Area Delineation Dutch Creek, Lilley Gulch, Coon Creek and Three Lakes Tributary	May, 1978
16. Major Drainageway Planning Upper Weir Gulch	December, 1993
17. Flood Hazard Area Delineation Upper Lena Gulch	January, 1993
18. Major Drainageway Planning Upper Lena Gulch	March, 1994
19. Flood Plain Revisions Depew Street Basin Portions of this study are superseded by (24) below.	December, 1998
20. Outfall System Planning Academy Park Tributary to Bear Creek	July, 1999
21. Outfall System Planning Pinehurst Tributary to Bear Creek	December, 1999
22. Flood Hazard Delineation Update Fox Run Gulch (formerly known as "Drainageway B")	January, 2008
23. Flood Hazard Area Delineation Marston Lake North Drainageway	July, 2012
24. Floodway Study First Avenue Tributary	July, 2013
25. Hydrologic Evaluation and Floodplain Update Drainageway G, G1, G2, G3 and the Indiana Street Overflow	February, 2013
26. Flood Hazard Area Delineation Sanderson Gulch (includes North Sanderson Gulch)	October, 2018

- B. The official flood studies listed as 1 through 26 above, and any amendments to the 2022 Flood Insurance Study, are to be used in all cases for administration of this chapter.
- C. No provision in this chapter will be enforced based upon modified data reflecting natural or man-made physical changes without first receiving prior approval of such

change(s) by the City of Lakewood, the Mile High Flood District and the Federal Emergency Management Agency.

SECTION 3. Emergency Declaration. In accordance with section 7.4 of the City of Lakewood home rule charter (the "Charter"), the City Council hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety because, if a revised Floodplain Management ordinance that is consistent with current requirements is not effective within Lakewood by August 2, 2022, then beginning August 3, 2022:

- a. the Federal Emergency Management Agency (FEMA) will terminate the issuance and renewal of National Flood Insurance Program (NFIP) insurance policies within Lakewood and will not re-authorize the issuance and renewal thereof until after such a revised Floodplain Management ordinance becomes effective; and
- b. the Federal Flood Mitigation Assistance grant program, Building Resilient Infrastructure and Communities grant program, as well as Federal Small Business Administration disaster loans, may be made unavailable.


The City Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the residents of the City of Lakewood, but if this emergency ordinance is not adopted by an affirmative vote of two-thirds of all members of the City Council, it may still be passed as a regular ordinance in conformance with the provisions of Charter section 7.4.

SECTION 4. Effective Date. In light of the foregoing, the City Council hereby declares an emergency, and this Ordinance shall be in full force and effect immediately upon adoption on second reading. Notwithstanding the foregoing, in the event this emergency ordinance is not adopted by an affirmative vote of two-thirds of all members of the City Council, but is adopted as a regular ordinance, its effective date shall be thirty (30) days after final publication upon second reading hereof.

SECTION 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 27th day of June, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 30th day of June, 2022; set for public hearing to be held on the 11th day of July, 2022; read, finally passed and adopted by the City Council on the 11th day of July, 2022; and signed by the Mayor on the 12th day of July, 2022.





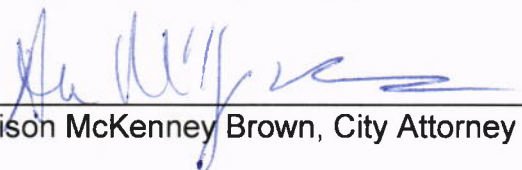
Adam Paul, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney