

**ORDINANCE NO. 755**

AN ORDINANCE REPEALING ORDINANCE NO. 453, 526, 576, 598 AND 693 CODIFIED AS CHAPTER 15.28 CITY OF COLUMBIA FALLS CODE, AND REPLACING SAID ORDINANCE WITH THE CITY OF COLUMBIA FALLS FLOODPLAIN ORDINANCE IN COMPLIANCE WITH M.C.A. 76-5-101 THROUGH 76-5-406 AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the flood hazard areas of the City of Columbia Falls planning jurisdiction are subject to periodic inundation, which results 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 public health, safety and general welfare; 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 floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage; and

WHEREAS, it is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

WHEREAS, in order to accomplish its purposes, this ordinance uses the

## SECOND AND FINAL READING

following methods in accordance with 76-5-102, MCA:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers, which are needed to accommodate floodwaters;
4. Regulate filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;
7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

WHEREAS, this Ordinance should be enacted in order to comply with the Montana Floodplain and Floodway Management Act (Title 76, Chapter 5 MCA) and to ensure compliance with the requirements for the continued participation by the City of Columbia Falls in the National Flood Insurance Program. Land-use regulations which are hereby adopted are to be applied to all identified 100-year floodplains within the local jurisdiction; and

WHEREAS, municipalities have authority to adopt ordinances as provided for in Section 7-1-4123, MCA to promote the general public health and welfare. Other authority for municipalities and counties to adopt floodplain management regulations appears in Section 76-5-301, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section Amended: Chapter 15.28 of the Columbia Falls Municipal Code is hereby repealed and is replaced with a floodplain ordinance as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Inconsistent Provisions: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECOND AND FINAL READING

Section Three. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Four. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2015, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Lovering, Petersen, Plevel, Shepard and Barnhart

NOES: None

ABSENT: Karper

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 2<sup>nc</sup> DAY OF NOVEMBER, 2015.

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Mayor

ATTEST:

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City Clerk