

ORDINANCE 12

SERIES OF 2001

August 7, 2001: Introduced as Council Bill No. 13 Series 2001 by Doug Tisdale, seconded by Bonnie Blum, and considered by title only on the first reading. Passed unanimously.

September 4, 2001: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 12, Series 2001.

**AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE, AMENDING TITLE 6, CHAPTER 16 OF THE CODE CONCERNING WIRE MESH FENCING IN THE FLOOD PLAIN**

WHEREAS, the City of Cherry Hills Village participates in the National Flood Insurance Program; and

WHEREAS, the City of Cherry Hills Village has established flood plains by adopting "The Flood Insurance Study for the City of Cherry Hills Village" dated August 15, 1995 and the accompanying Flood Insurance Rate Map (FIRM); and

WHEREAS, the City of Cherry Hills Village has adopted Chapter 16 of Title 6 of the Municipal Code, "Flood Plain Management Regulations"; and

WHEREAS, Section 3 "Definitions", of Chapter 16 contains a definition for "Structure" that includes wire mesh fencing without regard to the orientation of the fence in an effort to avoid damming effects within the flood plain; and

WHEREAS, the City Council has determined that wire mesh fencing within the flood plain that is generally parallel to the direction of flow does not create a damming effect and shall be allowed in the flood plain without having to comply with the Procedure For Development contained in Section 6 of Chapter 16.

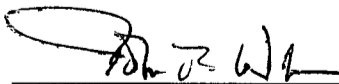
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. The Definition of "Structure" in §6-16-3 is hereby amended as follows:  
**Structure:** As used in this Chapter, a structure is anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, swimming pools and tennis courts.

Section 2. Section 6-16-7(A)(9) is hereby added as follows:  
9. Fencing greater than fifty percent (50%) open shall be allowed in the flood plain except that wire mesh, chain link and other like fencing materials greater than fifty percent (50%) open shall be allowed in the flood plain as long as :  
a. The fencing is generally parallel to the direction of flow; and  
b. In the opinion of the Community Development Coordinator after review by the City's engineer, or other qualified professional approved by the City, no damming effect will result from the placement of the fence.

Section 3. 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 applications of this ordinance are not determined by the court to be inoperable.

Adopted as Ordinance No. 12, Series 2001, by the City Council of the City of Cherry Hills Village, Colorado, The 4<sup>TH</sup> day of September, 2001.

  
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John F. Welborn, Mayor

ATTEST:  
  
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Jennifer Pettinger, City Clerk

  
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Robert Widner, City Attorney

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