

**TOWN OF RICO  
RESOLUTION NO. 2003-3**

**ENACTING A RESTRICTION ON SEWER SERVICE IN FLOOD PLAIN AREAS**

**WHEREAS**, the Board of Trustees finds that construction of a centralized waste water treatment system will promote the health, safety and general welfare of the Rico community; and,

**WHEREAS**, the Board of Trustees desires to receive state and federal financing to defray the cost constructing centralized waste water treatment, including financing from U.S.D.A. Rural Development;

**WHEREAS**, U.S.D.A. Rural Development requires certain restrictions on sewer connections for future development in flood plain areas for compliance with and implementation of Executive Order 11988 and such restrictions are a condition to receiving federal funding to assist with sewer construction;

**NOW, THEREFORE, be it resolved by the Board of Trustees, the following:**

The Town of Rico will deny future taps to property owners for significant new facility construction to be located in designated flood hazard areas unless there are no practical alternatives. A "designated flood hazard area" would be a floodway or floodplain, so determined by FEMA or another responsible agency of Federal, State or local government involving a 500-year frequency flood hazard in the case of a Critical Action or involving a 100-year frequency flood hazard in all other instances. A "Critical Action" constitutes any action which would create or extend the useful life of the following facilities: (1) facilities which produce, use or store highly volatile, flammable, explosive, toxic, or water reactive materials; (2) schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; (3) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and (4) multi-family housing facilities designed primarily (over 50 percent) for individuals with disabilities. This special mitigation measure will only pertain to newly issued taps within the impact area of the project to be financed by the RUS, and will not involve any other areas with the Town of Rico's overall service area. This "impact area of the project" has been determined to be the entire area served by the Town's sewer system.

**RESOLUTION READ, APPROVED AND ADOPTED THIS 13<sup>TH</sup> DAY OF AUGUST, 2003**

By:

  
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Dave Kunz, Mayor Pro-Tem

Attest:

  
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Linda Yellowman, Town Clerk