



Staff Report

Agenda Item:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, DELETING CHAPTER 13, FLOOD DAMAGE PREVENTION, OF THE CLARKDALE TOWN CODE IN ITS ENTIRETY, AND RECREATING CHAPTER 13, DAMAGE PREVENTION, SECTION 13-1-1, ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS, OF THE CLARKDALE TOWN CODE; ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS FOR YAVAPAI COUNTY, ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ADOPTING BY EMERGENCY MEASURES- Discussion and consideration of Ordinance #328 , an Ordinance deleting Chapter 13, Flood Damage Prevention, of the Clarkdale Town Code in its entirety, and recreating Chapter 13, Damage Prevention, Section 13-1-1, Establishment of Special Flood Hazard Areas, of the Clarkdale Town Code, adopting by reference revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations for Yavapai County, Arizona ;providing for repeal of conflicting ordinances; providing for severability; and adopting by emergency measures.

Submitted By:

Community Development Department staff

Staff Contact:

Paul Grasso, Building Official/ Floodplain Administrator

Meeting Date:

August 31, 2010

Background :

The Town of Clarkdale has previously delegated the responsibility of floodplain review and management to the Flood Control District of Yavapai County as provided for in ARS 48-3610. This ordinance updates that agreement and brings Chapter 13 of the Town Code into compliance with the federal program. The Town has been a party to the Federal Insurance Program since the original Ordinance 71 was passed December 28, 1982.

Working cooperatively with the County, the Town reviews each building application to see if the ordinance comes into play. Once that has been determined, the building division reviews their application to make sure everything complies with the floodplain ordinance. This relationship is beneficial to the Town, and to the individual applicant.

FEMA has informed the Town that they must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements by September 3, 2010, to avoid suspension from the NFIP. If suspended, the community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Whereas it is necessary for the preservation of the peace, health and safety of the Town of Clarkdale, Arizona, an emergency may be declared to exist and this Ordinance would become effective immediately, operative and in full force after the date of the posting with an affirmative vote of three-fourths of all the members elected to the Town Council, taken by ayes and noes, and also approved by the Mayor.

Staff Recommendation:

Staff recommends that the Town Council approve Ordinance #328, "An Ordinance deleting Chapter 13, Flood Damage Prevention, of the Clarkdale Town Code in its entirety, and recreating Chapter 13, Damage Prevention, Section 13-1-1, Establishment of Special Flood Hazard Areas, of the Clarkdale Town Code, adopting by reference revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations for Yavapai County, Arizona ;providing for repeal of conflicting ordinances; providing for severability; and adopting by emergency measures".

**** Needs a ¾ majority roll call vote**

ORDINANCE # 328

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, DELETING CHAPTER 13, FLOOD DAMAGE PREVENTION, OF THE CLARKDALE TOWN CODE IN ITS ENTIRETY, AND RECREATING CHAPTER 13, DAMAGE PREVENTION, SECTION 13-1-1, ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS, OF THE CLARKDALE TOWN CODE; ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS FOR YAVAPAI COUNTY, ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ADOPTING BY EMERGENCY MEASURES.

WHEREAS, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of the Town of Clarkdale.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA THAT:

SECTION 1: Chapter 13 of the Code of the Town of Clarkdale is hereby deleted in its entirety and recreated as Chapter 13, Section 13-1-1, Establishment of Special Flood Hazard Areas, of the Code of the Town of Clarkdale to read as follows:

Section 13-1-1 Establishment of Special Flood Hazard Areas

- A. The Town of Clarkdale, Arizona joined the National Flood Insurance Program (NFIP) as a separate community in December 1982. The Town of Clarkdale, under the National Flood Insurance Program is the entity responsible for floodplain administration within the Town. Each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal criteria. The Flood Control District of Yavapai County has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program.
1. Those certain documents entitled "Flood Insurance Study and Flood Insurance Rate Maps for "Yavapai County, Arizona, and Incorporated Areas" dated September 3, 2010 and "Yavapai County Flood Damage Prevention Ordinance," dated July 17, 2006, and all subsequent amendments and/or revisions are hereby designated as public records.
 2. Those public records entitled "Flood Insurance Study for Yavapai County Arizona, and Incorporated Areas." dated September 3, 2010," with accompanying Flood Insurance Rate Maps (FIRMs) dated September 3, 2010 and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the Town of Clarkdale. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

3. That public record designated as "Yavapai County Flood Damage Prevention Ordinance, dated July 17, 2006," and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community.

4. The Town of Clarkdale continues to delegate the responsibility of floodplain management to the Flood Control District of Yavapai County as provided for in ARS 48-3610. The Town of Clarkdale Building Official is appointed/ designated as the National Flood Insurance Program Floodplain Administrator for the Town and is responsible for coordinating with the Flood Control District of Yavapai County and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

SECTION 2: That the documents described in Section 1 above are hereby adopted by reference as the Town of Clarkdale Code, Chapter 13, Section 13-1-1; Establishment of Special Flood Hazard Areas.

SECTION 3: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5: Whereas it is necessary for the preservation of the peace, health and safety of the Town of Clarkdale, Arizona, an emergency is declared to exist and this Ordinance shall become effective immediately, operative and in full force after the date of the posting hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Clarkdale, Arizona, this 31st day of August, 2010.

Doug Von Gausig, Mayor

ATTEST:

Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

Robert S. Pecharich, Town Attorney