



## Legislation Text

---

**File #:** 20-271, **Version:** 1

---

**TO:** Mayor and Town Council

**FROM:** Andrew Miller, Town Attorney

**DATE:** June 11, 2020

**CONTACT:**

Paul Mood, 480-348-3573

**AGENDA TITLE:**

Adoption of Ordinance No. 2020-07, amending Article 5-11 of the Town Code, Floodplain Administration

**RECOMMENDATION:**

Adopt Ordinance Number 2020-07.

**BACKGROUND:**

On March 18, 2020 the Town received notice from the Federal Emergency Management Agency (FEMA) that the current Town floodplain ordinance, Town Code Article 5-11, would be subject to an audit by the Arizona Department of Water Resources (ADWR). FEMA had tasked ADWR to conduct the audit based on the latest federal and state floodplain regulation requirements. Failure to make changes that comport with the floodplain management regulations deemed necessary by FEMA would result in the Town being suspended from participation in the National Flood Insurance Program. The Town has a deadline of September 18, 2020 to make changes to its Floodplain Regulations so that they are in concert with the latest model ordinance provisions from FEMA and ADWR. The last time the Town had to make similar amendments to its floodplain ordinance was in September 2005.

The Town has worked closely with ADWR floodplain specialists to update the Floodplain Regulations in Article 5-11. ADWR has reviewed draft amendments to the current Town Floodplain Regulations with Town staff in an effort to make modifications that will bring the Town's regulations into compliance with the latest state "model ordinance for non-Colorado River communities" (Model Ordinance). After exchanging a series of drafts the Town has received approval from ADWR to move forward with the process of adopting an ordinance that incorporates the required revisions to the current Town Floodplain Regulations.

The proposed ordinance attached hereto, Ordinance No. 2020-07, includes four new sections that now coincide with the Model Ordinance:

- Statutory Authorization
- Findings of Fact
- Statement of Purpose
- Methods of Reducing Flood Losses.

Other major changes include a number of new definitions, the removal of obsolete FEMA map designations and the inclusion of the latest mapping requirements. Ordinance 2020-07 also adds new state statute references per the Model Ordinance and numerous language revisions that more closely mirror the Model Ordinance. ADWR has also recommended that with future updates to the International Building Code (IBC) and International Residential Code (IRC), the floodplain provisions of these model codes be excluded as they may conflict with the new state standards.

Although the Town currently has approximately 500 properties within designated FEMA Special Flood Hazard Areas (SFHAs), only 7 properties in the SFHAs were reported as having flood insurance. It is important for those 7 properties in the SFHAs and 173 additional properties with flood insurance located outside of the floodplain that the Town maintain an up to date set of Floodplain Regulations that comply with FEMA requirements. This allows the Town to continue its participation in the National Flood Insurance Program (NFIP). Residents within NFIP-participating communities are eligible to purchase flood insurance through the NFIP. Council discussed Ordinance 2020-07 at its May 28, 2020 Council meeting and had no comments or changes to recommended ordinance draft. It is respectfully recommended that the Town Council adopt Ordinance No. 2020-07.

#### **NEXT STEPS**

Adopt Ordinance No. 2020-07.

#### **ATTACHMENTS:**

Final Ordinance No. 2020-07