

ORDINANCE NO. 14,707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 110 "FLOODS," ARTICLE II "FLOOD DAMAGE PREVENTION," DIVISION 2 "ADMINISTRATION," SECTION 110-67 "DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR," SUBSECTIONS (5) AND (8) AND DIVISION 3 "FLOOD HAZARD REDUCTION," SECTION 110-102 "SPECIFIC STANDARDS," SUBSECTION (1) "RESIDENTIAL CONSTRUCTION" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH VIOLATION; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That Chapter 110 "Floods," Article II "Flood Damage Prevention," Division 2 "Administration," Section 110-67 "Duties and responsibilities of floodplain administrator," Subsections (5) and (8) of the Code of Ordinances, Baytown, Texas, are hereby amended to read as follows:

**CHAPTER 110. FLOODS**

**ARTICLE II. FLOOD DAMAGE PREVENTION**

**DIVISION 2. ADMINISTRATION**

**Sec. 110-67. Duties and responsibilities of floodplain administrator.**

Duties and responsibilities of the floodplain administrator under this article shall include, but not be limited to, the following:

...

- (5) Where interpretation is needed as to the exact location of the boundaries of the moderate and special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation;

...

- (8) When base flood elevation or 500-year floodplain elevation data has not been provided in accordance with section 110-32, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer division 3 of this article;

Section 2: That Chapter 110 "Floods," Article II "Flood Damage Prevention," Division 3 "Flood Hazard Reduction," Section 110-102 "Specific standards," Subsection (1) "Residential construction" of the Code of Ordinances, Baytown, Texas, is hereby amended to read as follows:

## **CHAPTER 110. FLOODS**

### **ARTICLE II. FLOOD DAMAGE PREVENTION**

#### **DIVISION 3. FLOOD HAZARD REDUCTION**

##### **Sec. 110-102. Specific standards.**

The design and construction of projects located within an area of special or moderate flood hazard shall, at a minimum, meet the following requirements:

(1) *Residential construction.*

- a. Within an area of special flood hazard, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and all components of the mechanical, electrical, and plumbing systems and any other service facility elevated to at least the 500-year floodplain elevation or 24 inches above the base flood elevation, whichever is higher. Additionally, plumbing systems shall be designed and/or located so as to prevent floodwaters from entering or damaging them. Slab on grade construction shall not be permitted for the new construction of residential dwellings.
- b. Within a moderate flood hazard area, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and all components of the mechanical, electrical, and plumbing systems and any other service facility elevated to at least the 500-year floodplain elevation or 24-inches above the base flood elevation, whichever is higher. Additionally, plumbing systems shall be designed and/or located so as to prevent floodwaters from entering or damaging them.
  1. If the natural grade of an individual lot, as indicated on a pre-construction elevation certificate, is no more than 12 inches below its 500-year floodplain elevation, then slab on grade construction may be allowed by the floodplain administrator provided that:
    - (i) the finished floor elevation is no more than 0.1 feet above the 500-year floodplain elevation;
    - (ii) no more than 6 inches of vertical concrete is exposed along the perimeter of the slab; and

(iii) the edge of any slab on grade concrete is no less than five feet from a side or rear lot line.

2. If the natural grade of an individual lot is more than 12 inches below its 500-year floodplain elevation, then slab on grade construction shall not be permitted for the new construction or substantial improvement of residential dwellings.

Section 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency; and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4: If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or the set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances; and to this end, all provisions of this ordinance are declared to be severable.

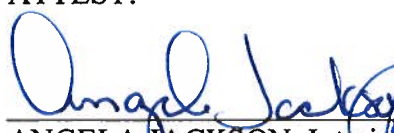
Section 5: Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

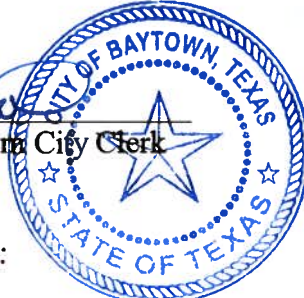
Section 6: This ordinance shall take effect from and after ten (10) days from its passage by the City Council of the City of Baytown. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Baytown at least twice within ten (10) days after passage of this ordinance.

INTRODUCED, READ, and PASSED by the affirmative vote of the City Council of the City of Baytown, this the 22<sup>nd</sup> day of April, 2021.

  
BRANDON CAPETILLO, Mayor

ATTEST:

  
ANGELA JACKSON, Interim City Clerk



APPROVED AS TO FORM:

  
KAREN L. HORNER, City Attorney

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