

ORDINANCE NO. 19-028

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 10, "BUILDING CODE" OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED", BY AMENDING ARTICLE VIII, "CITY OF GALVESTON FLOOD DAMAGE PREVENTION ORDINANCE"; ADOPTING THE CITY OF GALVESTON 2019 FLOOD INSURANCE RATE MAPS (FIRM); ADOPTING THE 2019 FLOOD INSURANCE STUDY (FIS); AND PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 15, 2019; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of Galveston is currently under the 2018 Flood Damage Prevention Ordinance (Ordinance No. 18- 032) and the December 6, 2002 Flood Insurance Rate Maps (FIRM) and (FIS) and,

WHEREAS severe flooding has occurred in the past within the City of Galveston and will certainly occur within the future and that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within the jurisdiction of the City of Galveston; and,

WHEREAS, Staff desires to keep the City of Galveston current with the most recent codes and recommendations pertaining to flood damage prevention and recommends updating and amending the City's 2018 Flood Damage Prevention ordinance; and,

WHEREAS, the Flood Insurance Rate Maps of 2002 and the Flood Insurance Study (FIS) have been revised by FEMA and a letter of final determination from FEMA has been issued to the City pertaining to their adoption. Per FEMA's letter of final determination, the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) must be in effect by August 15, 2019; and,

WHEREAS, Staff desires to be in compliance with the National Flood Insurance Program (NFIP) as administered by FEMA and recommends adopting all of the 2019 Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study applicable to the jurisdiction of the City of Galveston and updating the corresponding flood damage prevention ordinance as provided below; and,

WHEREAS, the City Council deems it in the best interests of the public to amend Chapter 10 "Building Code" of the Code of the City of Galveston, 1982, as amended", by amending Article VIII, "City of Galveston Flood Damage Prevention Ordinance"; and adopting the City of Galveston 2019 Flood Insurance Rate Maps and providing for an effective date of August 15, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City of Galveston 2019 Flood Insurance Rate Maps (FIRM) and the 2019 Flood Insurance Study (FIS) are incorporated herein for all intents and purposes and are hereby approved and adopted by the City Council of the City of Galveston and copies of which are on file in the office of the City Secretary and are made available on the City of Galveston's website under the Development Services Department.

SECTION 3. The Code of the City of Galveston, 1982, as amended, Chapter 10, "Building Code", Article VIII. "Flood Damage Prevention", is hereby amended to read and provide as follows:

ARTICLE VIII. CITY OF GALVESTON FLOOD DAMAGE PREVENTION ORDINANCE.

Sec. 10-79. General Provisions

A. Lands to which this Ordinance applies

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Galveston.

B. Basis for establishing the areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for the City of Galveston dated August 15, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated August 15, 2019 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 10-80. Administration

A. Designation of the Floodplain Administrator

The Building Official or designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

C. Permit Procedures

- (1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of

proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

D. Variance Procedures

- (1) The Building Board of Adjustments and Appeals, (herein Appeal Board), shall hear and render judgment on requests for variances from the requirements of this ordinance.

E. Floodways

Floodways - located within the areas of special flood hazard established in 10-79B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act") and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

SECTION 8. This Ordinance shall be and become effective on August 15, 2019, from and after its adoption and publication, in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD S. GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular Meeting held on April 25, 2019, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2019.

Secretary for the City Council
of the City of Galveston