

ORDINANCE NO. 2020-2621

AN ORDINANCE AMENDING CHAPTER 153, FLOOD DAMAGE PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF FREEPORT, TEXAS; ESTABLISHING LEGAL REQUIREMENTS REGULATING FLOOD DAMAGE PREVENTION; CONTAINING A PREAMBLE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; MAKING IT AN OFFENSE FOR VIOLATION OF THIS ORDINANCE; CONTAINING A PENALTY; CONTAINING A SEVERANCE CLAUSE; CONTAINING A REPEALER CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City Council finds that flood hazards of areas of the City of Freeport, Texas are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City Council finds the promulgation of sound regulations to reduce the risk to life and property caused by flood conditions in the City of Freeport is vital protect against catastrophic flood, tidal surge, and inundation; and

WHEREAS, establishing and enforcing standards related to flood control are necessary to protect the public health, safety, and general welfare; and

WHEREAS, the City Council of the City of Freeport has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the health, welfare and safety of the citizens and property owners of the City; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Government Code (the Open Meetings Act); and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS:

First, Chapter 153 of the Code of Ordinances of the City is hereby amended with the following provisions, which shall read as follows:

153.06 DEFINITIONS

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

153.07.01 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 (FIS)-Brazoria County

Texas and Incorporated Areas December 30, 2020 with accompanying Flood Insurance Rate Maps (FIRM) dated December 30, 2020 and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter.

153.99 PENALTIES

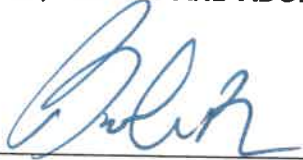
A person who violates a provision this Chapter, is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00. Nothing herein contained shall prevent City from taking such other lawful action as is necessary to prevent or remedy any violation.

Second, 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 and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement 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.

Third, all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Fourth, this ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this 7 day of December, 2020.



Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:



Betty Wells, City Clerk,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Christopher Duncan, City Attorney,
City of Freeport, Texas