

ORDINANCE NO. O-20-46

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 42, FLOODPLAIN MANAGEMENT, OF THE MISSOURI CITY CODE; PROVIDING FOR AN UPDATED FLOOD INSURANCE STUDY FOR FORT BEND COUNTY; AMENDING CERTAIN PROVISIONS IN ACCORDANCE WITH RECOMMENDATIONS OF THE STATE COORDINATING AGENCY; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City of Missouri City (the "City") participates in the National Flood Insurance Program (the "NFIP"); and

WHEREAS, to maintain its eligibility in the NFIP, the City must update its floodplain management ordinance to reflect the new effective date for the Flood Insurance Rate Map ("FIRM") for Fort Bend County; and

WHEREAS, the City Council of the City of Missouri City finds that enacting this ordinance is necessary for the protection of public safety and public property; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to amend regulations in accordance with recommendations of the State of Texas coordinating agency for floodplain management; now therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting Sections 42-1 and 42-7 of Article I of Chapter 42 thereof, and substituting therefor, new Sections 42-1 and 42-7 of Article I of Chapter 42 to provide as follows:

" CHAPTER 42 FLOODPLAIN MANAGEMENT

ARTICLE I. – IN GENERAL

Sec. 42-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appeal means a request for a review of the floodplain administrator's interpretation of any provisions of this chapter, or a request for a variance.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one (1) percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map. After detailed rate making has been completed in preparation for publication of the FIRM, zone A may be refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) is the elevation shown on the flood insurance rate map and found in the accompanying flood insurance study for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year, also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction or *existing structures* means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

Existing manufactured home park or *existing manufactured home subdivision* means a manufactured home park or a manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the city.

Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface water from any source.

Flood elevation study or *flood insurance study (FIS)* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as zones A, M, and/or E.

Flood insurance rate map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and the risk premium zones of land contained on the map.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized

flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproof means to use any combination of structural and nonstructural additions, changes, or adjustments to structures to reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior; or
- b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.

New manufactured home park or new manufactured home subdivision means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;

- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, or other body of water with a current, confined within a bed and banks.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (16 USC § 3501 et seq.), includes substantial improvement and means the date the building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement occurs within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of repairing, reconstructing, rehabilitating, adding, or otherwise improving a structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction or any structure which has incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief to a person from the requirements of a floodplain management regulation pursuant to the National Flood Insurance Program regulations, 44 CFR § 60.6 (2009).

Violation means the failure of a structure or other development to be fully compliant with the floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance as required pursuant to the National Flood Insurance Program regulations, 44 CFR 60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)(2009), is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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Sec. 42-7. - Basis for establishing 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) for Harris County, Texas and Incorporated Areas," dated November 15, 2019, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated November 15, 2019, and any revisions thereto, and "Flood Insurance Study (FIS) for Fort Bend County, Texas and Incorporated Areas," dated January 29, 2021, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated January 29, 2021, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter, a copy of which is made a part hereof for all purposes. An authentic copy of same is filed in the office of the city secretary."

Section 3. The Missouri City Code is hereby amended by deleting Sections 42-32 and 42-34 of Article II of Chapter 42 thereof, and substituting therefor, new Sections 42-32 and 42-34 of Article II of Chapter 42 to provide as follows:

**“ CHAPTER 42 FLOODPLAIN MANAGEMENT
ARTICLE II. – ADMINISTRATION**

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Sec. 42-32. - Duties of floodplain administrator.

Duties and responsibilities of the floodplain administrator under this article shall include the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit applications to determine whether a proposed building site, a proposed subdivision or any other proposed development, including a

manufactured home park or a manufactured home subdivision, will be reasonably safe from flooding.

- (3) Review and approve or deny all applications for development permits required by this chapter.
- (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required (including permits required by section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334).
- (5) Interpret the exact location of the boundaries of the areas of special flood hazard; for example, where there appears to be a conflict between a mapped boundary and actual field conditions.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Water Development Board (TWDB), and the Texas Commission on Environmental Quality (TCEQ), or successors of such entities, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) Obtain, review and reasonably utilize any base flood elevation data and floodway data available from federal, state and other sources, in order to administer the provisions of article III of this chapter when base flood elevation data has not been provided in accordance with section 42-7.
- (9) When a regulatory floodway has not been designated, the building official must require that no new construction, substantial improvements or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR § 65.12 (2003) of the National Flood Insurance Program regulations, a community may permit certain development in Zones A1-30, AE, and AH on the community's FIRM which would result in an increase in the base flood elevation by more than one (1) foot, provided that the community first completes all of the provisions required by 44 CFR § 65.12 (2003).

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Sec. 42-34. - Issuance of development permit.

- (a) *Application.* An application for a development permit shall be presented to the floodplain administrator on forms furnished by the floodplain administrator. The floodplain administrator shall maintain a record of each application and information

contained therein. An application for a development permit shall include, at a minimum:

- (1) The address or legal description of the site to be permitted;
 - (2) The name of the applicant;
 - (3) The address and phone number of the applicant;
 - (4) Any certification required pursuant to this chapter;
 - (5) For proposed landscape alterations: plans in duplicate and drawn to scale showing the location, dimensions, elevation in relation to mean sea level and the location in relation to areas of special flood hazard of the proposed landscape alterations;
 - (6) For existing, new, and substantially improved structures, including manufactured homes: plans in duplicate and drawn to scale showing location, dimensions, elevation in relation to mean sea level of the lowest floor (including basement and all essential plumbing and utilities, including ductwork) and the location of the structure in relation to areas of special flood hazard;
 - (7) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed; and
 - (8) For watercourses or natural drainage: a description of the extent of any alteration or relocation as a result of proposed development.
- (b) *Standards for issuance.* Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other land to the injury of others;
 - (4) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (5) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as wastewater, gas, electrical and water systems;
 - (6) The expected height, velocity, duration, rate of rise and sediment transport of floodwaters and the effects of wave action, if applicable, expected at the site;
 - (7) The necessity to the facility of a waterfront location, where applicable;
 - (8) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - (9) The compatibility of the proposed use with existing and anticipated development .”

Section 4. The Missouri City Code is hereby amended by deleting Sections 42-52, 42-53, and 42-55 of Article III of Chapter 42 thereof, and substituting therefor, new Sections 42-52, 42-53, and 42-55 of Article III of Chapter 42 to provide as follows:

**“ CHAPTER 42 FLOODPLAIN MANAGEMENT
ARTICLE III. – STANDARDS**

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Sec. 42-52. - Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 42-7, subsection 42-32(8) or 42-51(2)(d), the following additional provisions shall apply:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement and all essential plumbing and utilities, including ductwork), elevated to at least 12 inches above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the building official that the standards of this subsection are satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall:
 - a. Have the lowest floor (including basement and all essential plumbing and utilities, including ductwork) elevated to at least 12 inches above the base flood level; or
 - b. Be designed so that below the base flood level the structure, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with the standards of this section. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Manufactured homes.* New construction and substantial improvements of any manufactured home shall:
 - a. Be installed so that the bottom of the I-beam of the manufactured home is elevated to no less than four feet above grade and securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
 - b. Be placed on a permanent foundation;
 - c. Be elevated to at least 12 inches above the base flood elevation except that a manufactured home to be installed within zones A1-30, AH and AE be

installed so that the bottom of the I-beam of the manufactured home is elevated to no less than two feet above the base flood elevation; and

- d. Have a chassis that is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) *Recreational vehicles*. All recreational vehicles shall:

- a. Be placed on a site for fewer than 180 consecutive days;
- b. Be fully licensed and registered, on wheels or a jacking system, attached to a site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- c. Meet the permit requirements of section 42-34 and the elevation and anchoring requirements for manufactured homes in subsection (3) of this section.

(5) *Enclosures*. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one (1) foot above grade; and
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Sec. 42-53. - Standards for areas of shallow flooding.

In areas of shallow flooding the following additional provisions shall apply:

- (1) *Residential structures*. All new construction and substantial improvements of residential structures, including manufactured homes, shall have the lowest floor (including basement and all essential plumbing and utilities, including ductwork) elevated to at least 12 inches above a height which is equal to the sum of:
 - a. The higher of the base flood elevation or the highest adjacent grade; and
 - b. The depth number specified in feet on the FIRM or three feet, if no depth number is specified.

- (2) *Nonresidential structures.* All new construction and substantial improvements of nonresidential structures shall:
- a. Have the lowest floor (including basement and all essential plumbing and utilities, including ductwork) elevated to at least 12 inches above a height which is equal to the sum of:
 1. The higher of the base flood elevation or the highest adjacent grade; and
 2. The depth number specified in feet on the FIRM or three feet, if no depth number is specified; or
 - b. Together with attendant utility and sanitary facilities, be designed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy where the structure is either:
 1. Below the specified base flood depth in an AO zone; or
 2. Below the base flood elevation in an AH zone.
- (3) *Drainage required.* A drainage path is required around structures on slopes to guide floodwaters around and away from proposed structures.
- (4) *Certification required.* A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section are satisfied.

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Sec. 42-55. - Standards for Subdivision Proposals.

- (a) All subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be consistent with this chapter and conform to the city's subdivision regulations and design standards.
- (b) All proposals for the development of subdivisions, including proposals for the development of manufactured home parks and subdivisions, shall meet all of the requirements of this chapter.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, if greater than 50 lots or 5 acres, whichever is less, if not otherwise provided in this chapter.
- (d) All subdivision proposals, including proposals for manufactured home parks and subdivisions, shall have adequate drainage provided, as required by the city's design standards, to reduce exposure to flood hazards.
- (e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage."

Section 5. The Missouri City Code is hereby amended by deleting Section 42-74 of Article V of Chapter 42 thereof, and substituting therefor, a new Section 42-74 of Article V of Chapter 42 to provide as follows:

“ CHAPTER 42 FLOODPLAIN MANAGEMENT

ARTICLE V. – ADJUSTMENTS AND APPEALS

. . . .

Sec. 42-74. - Maintenance of records.

The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the city's annual or biennial report submitted to the Federal Emergency Management Agency, or its successor entity.”

Section 6. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 7. *Penalty.* Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 8. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 16th day of November, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 7th day of December, 2020.

/s/Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/Maria Jackson, City Secretary

/s/E. Joyce Iyamu, City Attorney