

**ORDINANCE NO. 19-CC**

**AN ORDINANCE AMENDING APPENDIX A, FLOOD DAMAGE PREVENTION, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, UPDATING THE TITLE OF ARTICLE 3 SECTION G AND UPDATING THE COORDINATING AGENCY; PROVIDING FOR AN OPEN MEETINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.**

**WHEREAS**, the Legislature of the State of Texas has in statutes such as Texas Water Code Chapter 16 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

**WHEREAS**, the flood hazard areas within the City of Alvin, 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**, these flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage; and

**WHEREAS**, the City Council desires to amend previously adopted ordinances; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** That Appendix A, Flood Damage Prevention, Article 3, General Provisions, of the Code of Ordinances, City of Alvin, Texas is hereby amended to read as follows:

**APPENDIX A  
FLOOD DAMAGE PREVENTION**

**ARTICLE 3. GENERAL PROVISIONS**

**Section G. Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city or any official or employee thereof for any flood damages

that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

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## ARTICLE 4. ADMINISTRATION

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### Section B. Authority of the floodplain administrator.

In enforcing the provisions of this ordinance, the floodplain administrator has authority to:

(1) Maintain and hold open for public inspection records pertaining to the provisions of this ordinance.

(2) Review development permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Approve or deny all applications for development permits required by this ordinance.

(4) Review permits for proposed development to determine whether all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Make the necessary interpretation of the exact location of the boundaries of the areas of special flood hazards (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), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

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**Section 2. Severability Clause.** If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**Section 3. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**Section 4. Effective Date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code and the City of Alvin Charter.*

**PASSED AND APPROVED** on first and final reading on the 5<sup>th</sup> day of December 2019.

**CITY OF ALVIN, TEXAS:**

**ATTEST**

By:   
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Paul A. Horn, Mayor

By:   
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Dixie Roberts, City Secretary