

NATIONAL FLOOD INSURANCE PROGRAM

Oxford

NO. 753 1/3

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



MIKE HOWARD
NFIP State Coordinator

512/239-6155 • Fax 512/239-2214

mhoward@nrcc.state.tx.us

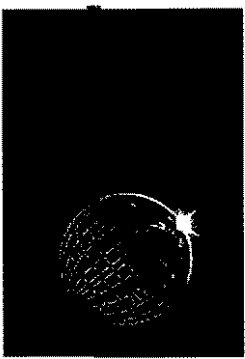
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Oxford

NO. 753 1/3



SURDEX

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Steve

2/28/03

C: Jim P.

Dear Sir/Ma'am,

If your community has problems with flooding and flood plain issues, I want to inform you that there is help. Section 205 of the 1948 Flood Control Act allows the United States Army Corps of Engineers to plan, design and construct certain small flood control projects that have not already been specifically authorized by congress.

As written in the amendment, there is no limitation as to the type of improvement that may be used. Both structural (e.g. levees, channels or dams) and non-structural (flood proofing or evacuation) solutions are considered and may also include features for other purposes such as water supply. In order for these extra features to be included, the community must indicate a need and also be willing to contribute the amount of costs incurred as a result of the addition.

Upon determination that there is a significant problem, the Corps of Engineers is authorized to provide up to \$100,000 to study the feasibility of a plan to eliminate the problem. Once a corrective project is approved, 35 percent up-front financing for construction is required from the non-Federal sponsor with at least 5 percent contributed in cash.

Before all of this can take place, a formal request must be put in from the Mayor of the prospective sponsoring community to the Corps of Engineers. In this letter, you should briefly describe the location of your municipality, the name of the river or body of water, the nature and severity of the problem, and the known issues that might affect the acceptability of the recommended solutions from the perspective of the local government and/or the public.

If you are having frequent flooding issues in your municipality, I strongly urge you to take advantage of Section 205 of the Flood Control Act. It is there to serve communities quicker and better than pushing legislation through congress, so why not make use of it? I recommend you contact the District Engineer at your local Corps of Engineer's Office located below for further discussion on the process of acquiring funding for this.

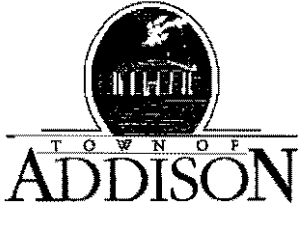
Fort Worth Office: 817-886-1326
Galveston Office: 409-766-3004
Tulsa Office: 918-669-7366

I thank you for taking a moment to read this information.

Best Regards,

Russell D. Hoffmann
Vice President, Project Design, Corps of Engineers
Surdex Corporation

2/20/03 ce:
Kristi



PUBLIC WORKS DEPARTMENT
Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871 FAX (972) 450-2837
16801 Westgrove

February 13, 2003

Mr. J.J. Horan
President
South & Western
P.O. Box 9015
Addison, Texas 75001-9015

Re: National Flood Insurance Program

Dear Mr. Horan:

This correspondence is in response to your recent request for information regarding the ability of property owners to obtain flood insurance in the Town of Addison. At this time, the Town is not a participating member of the National Flood Insurance Program (NFIP). With the assistance of the Federal Emergency Management Agency (FEMA), our Council approved an ordinance in January 2001 that permitted the Town to be eligible to enroll in the flood insurance program. However, the decision at that time was to not act on an associated resolution that is necessary to formally include the Town in the (NFIP). In August 2001, the Town obtained updated Flood Insurance Rate Maps from FEMA, which establishes revised base flood elevations within the 100-year flood plain. Subsequently, our staff initiated the process of analyzing the data received from FEMA in conjunction with the latest North Central Texas Council of Governments (NCTCOG) topographical maps of the Town, in order to evaluate the impact on existing structures within designated flood prone areas. At a later date, the results of this investigation, along with a new resolution for inclusion in the NFIP, may be submitted for Council consideration.

Should you have any additional questions, please contact Mr. Steve Chutchian, P.E., Assistant City Engineer, at 972-450-2886. Your concerns regarding this matter are appreciated.

Sincerely,

Michael Murphy, P.E.
Director of Public Works

Cc: Ron Whitehead, City Manager

Flood
Insurance



South & Western "The Specialty Company"

J.J. HORAN
President

jj-horan@southandwestern.com

June 25, 2002

Mr. Bill Shipp
Assistant to the City Manager
Town of Addison
5300 Belt Line Rd.
Dallas, Texas 75240-7606

Re: National Flood Program

Dear Mr. Shipp:

As you will recall, you contacted me on February 7, 2002 after my letter to City Manager Ron Whitehead was forwarded to you for handling. You advised me that the town had considered participation in the National Flood Program but had decided not to participate. I expressed my concerns to you about the importance of flood insurance and my failed attempt to purchase flood insurance on my home in Addison.

As requested by you, I researched the possibility of purchasing flood insurance on my home in the voluntary market and have been unsuccessful. I am in the property and casualty insurance business and have discovered that the National Flood Insurance Program is the market (and standard) for this type of coverage. I was able to find excess flood insurance in the voluntary market which would attach above \$250,000 over the National Flood Insurance Program, however, no primary coverage below \$250,000 could be purchased in the voluntary market.

It is my understanding that most communities in the United States participate in the National Flood Insurance Program. It is my hope that the town gives careful consideration to participating so the property owners of Addison can properly protect their investments. I have attached some additional information for your review and look forward to your response.

Sincerely,

J.J. Horan

J.J. Horan

JJH/hc
Enclosure

3rd
Request

J. J. Moran

Nat'l Flood Ins. Program

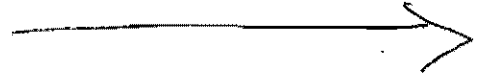
left me msg. on or about
02/10/03

(972) 855-2903

left msg.
on 02/10

Per Ron - have Mike →
call him

OVER



Has sent
3 inquiries/requests
to Bill

→ June 25th ↙
Aug. 27th
Oct. ?

HP LaserJet 3200se



TOWN OF ADDISON
9724502837
FEB-20-2003 15:25

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
41	2/20/2003	15:23:46	Send	7043	1:22	2	OK

**TOWN OF ADDISON
PUBLIC WORKS**

To: *[Signature]* From: Michael E. Murphy, P.E.
Director of Public Works
Company: _____ Office: 972/450-2876
FAX #: _____ Fax: 972/450-2837
Date: 2/20 16801 Westgrove
P.O. Box 8010
No. of Pages(including cover): 2 Addison, TX 75001-8010

*Horror
Letter*



PUBLIC WORKS DEPARTMENT
Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871 FAX (972) 450-2837

16801 Westgrove

December 2, 2002

Mr. Richard Lane
14516 Wynnewood
Dallas, TX 75254

Re: Flood Insurance

Dear Mr. Lane:

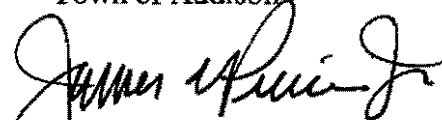
This is to advise that the Town of Addison, where your home is located, is not a member of the National Flood Insurance Program.

However, at the time a building permit was issued for the construction of your home, the location of the structure was shown to not be in the 100 year flood plain.

Please advise if I can be of further assistance.

Very truly yours,

Town of Addison



James C. Pierce, Jr., P.E.
Assistant Public Works Director

cc: Chris Terry, Assistant City Manager
Michael E. Murphy, P.E., Director of Public Works
Steve Chutchian, P.E., Assistant City Engineer

HP LaserJet 3200se



TO: LASERJET 3200
9724502837
DEC-2-2002 8:30AM

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
639	12/ 2/2002	8:29:25AM	Send	99722387794	0:43	1	OK



PUBLIC WORKS DEPARTMENT
Post Office Box 9019 Addison, Texas 75013-9019

(972) 452-2411 FAX (972) 450-2807
16881 Workprint

December 2, 2002

Mr. Richard Lane
14516 Wynnewood
Dallas, TX 75254

Re: Flood Insurance

Dear Mr. Lane:

This is to advise that the Town of Addison, where your home is located, is not a member of the National Flood Insurance Program.

However, at the time a building permit was issued for the construction of your home, the location of the structure was shown to not be in the 100 year flood plain.

Please advise if I can be of further assistance.

Very truly yours,

Town of Addison

James C. Pierce, Jr., P.E.
Assistant Public Works Director

cc: Chris Terry, Assistant City Manager
Michael E. Murphy, P.E., Director of Public Works
Steve Chutchian, P.E., Assistant City Engineer



Federal Emergency Management Agency

Washington, D.C. 20472

DEC 11 2001

IN REPLY REFER TO
Case No.: 02-06-422V

The Honorable R. Scott Wheeler
Mayor, Town of Addison
P. O. Box 9010
Addison, TX 75001-9010

Community: Town of Addison,
Dallas County, Texas
Community No.: 481089
Effective Date: August 24, 2001
LOMC-VALID

Dear Mayor Wheeler:

This letter revalidates the determinations for properties and/or structures in the referenced community as described in the Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs) previously issued by the Federal Emergency Management Agency (FEMA) on the dates listed below. As of the above referenced effective date, these LOMRs and LOMAs will revise the effective National Flood Insurance Program (NFIP) map, dated August 23, 2001, for the referenced community, and will remain in effect until superseded by a revision to the NFIP map panel on which the property is located. The FEMA case numbers (when available), property identifiers, NFIP map panel numbers, and new flood insurance risk zones are listed below.

<u>Case No.</u>	<u>Date Issued</u>	<u>Identifier</u>	<u>Map Panel No.</u>	<u>New Zone</u>
98-06-1948A	03/25/1999	The Woods, Lot 2; 14816 Winnwood Road	48113C0185J	X (unshaded)

Because these revalidated LOMRs and LOMAs will not be printed or distributed to primary map users, such as local insurance agents and mortgage lenders, your community will serve as a repository for these new data. We encourage you to disseminate the information reflected by this letter throughout your community so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information.

For information relating to LOMRs or LOMAs that are not listed above and to obtain copies of previously issued LOMAs and LOMRs, if needed, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Matthew B. Miller

Matthew B. Miller, P.E., Chief
Hazards Study Branch
Hazards Mapping Division

cc: Community Map Repository ✓

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



Steve - your copy - I mailed this to Mike. Jim

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

November 14, 2001

Mr. Steve Chutchian

Mike: please change contact name to

~~Mr. Don Davenport~~
Addison, City Of
P.O.Box 9010
Addison, TX 75001-9010

RE: Senate Bill 936 and National Flood Insurance Program (NFIP)

Dear Mr. Davenport:

The Texas Natural Resource Conservation Commission (TNRCC) as the National Flood Insurance Program (NFIP) State Coordinating Agency and pursuant to SB936, (copy can be obtained at Texas Legislature Online: <http://www.capitol.state.tx.us>), is notifying all communities of the new law that became effective September 1, 2001, and allows all political subdivisions to:

- (1) adopt more comprehensive floodplain management regulations which the political subdivision determines are necessary for planning, and appropriate to protect public health and safety;
- (2) participate in floodplain management and mitigation initiatives such as the NFIP's Community Rating System, Project Impact or other initiatives developed by the federal, state or local government; and,
- (3) collect reasonable fees to cover administrative costs incurred by the administration of a local floodplain management program.

Additionally, SB936 provides for Criminal and Civil Penalties and injunctive relief. A sample article that contains some penalty language which the City Attorney may want consider when preparing a revision to the City's Flood Hazard Prevention Ordinance is available on TNRCC's web page: <http://www.tnrcc.state.tx.us> under "flood & floodplains".

If you have any questions please do not hesitate to call me at (512) 239-6155, Fax (512) 239-4770, or Email: mhoward@tnrcc.state.tx.us. You can also find additional information on this matter on TNRCC's web page: <http://www.tnrcc.state.tx.us>.

Sincerely,

A handwritten signature in cursive script that reads "Mike Howard".

Mike Howard
NFIP State Coordinator

10-1-01

Dale Hoff FEMA

Mike Howard - TNRCC counterpart

Fed subsidizes Flood Insurance (only)
a separate policy.

Homeowners does not cover floods

* If community comes on board - ordinance

City thereby is the only enforcement agency

We need a flood damage & protection ordinance
Flooding from any source is covered

Need a presidentially declared disaster to open up
Federal Funds

Ron wants to know exactly who would be affected
Rebuilding issue (more than 50% damage)

Steve. This is
a Task that
needs to be done
toward moving
Flood Insurance
forward. Add to
your FEMA CIP Blurbs

Item #R5 - Approval of a final plat for three lots on 4.5517 acres, located at the southwest corner of Quorum Drive and Edwin Lewis Drive, on application from Western International and Pate Engineers, represented by Mr. Jay E. Marsh.

Item #R6 - Approval of a final plat for one lot of 5.485 acres at 15870 Midway Road, on application from N. J. Malin and Associates, L.P., represented by Mr. Mike B. Davis of Dunaway Associates, Inc.

Approved
Item #R7 - Consideration of an Ordinance amending Chapter 42, Floods, by amending Section 42-37 of Article II, Flood Damage Prevention, adopting the Federal Emergency Management Agency's (FEMA) newly revised flood insurance rate and flood boundary-floodway maps.

Item #R8 - **PUBLIC HEARING** and Consideration of a Resolution authorizing the City Manager to submit an application for funding in the amount of \$9,325.00, with a matching fund of \$1,036.00 through the United States Justice Department to increase Police Officer visibility and citizen accessibility to two Police Storefront locations.

Item #R9 - Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Sections 62-162 Premises Signs and 62-163 Area, located at 4150 Belt Line Road on application from Sam's Club.

Item #R10 - Appointment of members to the Transportation Committee to consider an amendment to the Thoroughfare Plan contained within the Addison Transportation Plan.

EXECUTIVE SESSION

Item #ES1 - Closed session of the City Council pursuant to Section 551.071 of the Texas Government Code for presentation and discussion of the possible purchase from Ray Ratliff 1.559 acreage, Hangar 1400, 22 slot Patio Hangars at the Addison Airport.

REGULAR SESSION

Item #R11 - Consideration of a Resolution authorizing the City Manager to purchase from Ray Ratliff 1.559

Voting Nay: None
Absent: Bradbury

Administrative Recommendation:

Administration recommends approval.

Item #R7 - Consideration of an Ordinance amending Chapter 42, Floods, by amending Section 42-37 of Article II, Flood Damage Prevention, adopting the Federal Emergency Management Agency's (FEMA) newly revised flood insurance rate and flood boundary-floodway maps.

Passed

Attachments:

1. Council Agenda Item Overview
2. Ordinance

Administrative Recommendation:

Administration recommends approval.

Item #R8 - **PUBLIC HEARING** and Consideration of a Resolution authorizing the City Manager to submit an application for funding in the amount of \$9,325.00, with a matching fund of \$1,036.00 through the United States Justice Department to increase Police Officer visibility and citizen accessibility to two Police Storefront locations.

Attachments:

1. Memorandum
2. Attachment

Administrative Recommendation:

Administration recommends approval.

Item #R9 - Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Sections 62-162 Premises Signs and 62-163 Area, located at 4150 Belt Line Road on application from Sam's Club.

Attachments:

Council Agenda Item

SUMMARY:

Amendment of CHAPTER 42, "FLOODS," OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 42-37 OF ARTICLE II, "FLOOD DAMAGE PREVENTION," BY ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NEWLY REVISED FLOOD INSURANCE RATE AND FLOOD BOUNDARY-FLOODWAY MAPS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL IMPACT:

N/A

BACKGROUND:

In January 2001, Ordinance No. 001-005 was adopted in accordance with Section 16.3145 of House Bill No. 1018, which requires the governing body of each city and county to adopt an ordinance in order to become eligible to participate in the National Flood Insurance Program (NFIP). The Town of Addison is not currently a participating member of the NFIP. The Federal Emergency Management Association (FEMA) recently forwarded revised Flood Insurance Rate and Flood Boundary-Floodway maps to our community, with an effective date of August 23, 2001. The attached ordinance amendment provides for necessary adoption of the new FEMA maps and the associated effective date, and for the continued eligibility of the Town of Addison to participate in the NFIP.

RECOMMENDATION:

Staff recommends that Council authorize the adoption of the above mentioned ordinance amendment, regarding adoption of the new Flood Insurance Rate and Flood Boundary-Floodway maps with the effective date of August 23, 2001.

TOWN OF ADDISON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 42, "FLOODS," OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 42-37 OF ARTICLE II, "FLOOD DAMAGE PREVENTION," BY ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NEWLY REVISED FLOOD INSURANCE RATE AND FLOOD BOUNDARY-FLOODWAY MAPS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in order to more effectively prevent flood damage within the Town of Addison and to maintain eligibility to participate in the National Flood Insurance Program, the City Council desires to adopt the Federal Emergency Management Agency's newly revised Flood Boundary-Floodway Map and newly revised Flood Insurance Rate Map; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. That Section 42-37 of Article II, "Flood Damage Prevention," of Chapter 42, "Floods," of the Code of Ordinances of the Town of Addison, Texas (the "City") is amended to read as follows:

Sec. 42-37. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Addison, Texas," with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) dated August 23, 2001, and any revisions thereto are hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file at 16801 Westgrove, Addison Texas.

Section 3. Savings. That this ordinance shall be cumulative of all other ordinances of the City affecting flooding and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

Section 4. Severability. That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person or circumstance is held invalid or

unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Effective Date. That this ordinance shall become effective August 23, 2001.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this _____ day of _____, 2001.

Mayor Scott Wheeler

ATTEST:

Carmen Moran, City Secretary

ATPROVED AS TO FORM:

Ken C. Dippel, City Attorney

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

June 26, 2001

Mr. Steve Chutchian
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: Ordinance Amending Chapter 42

Dear Steve:

Pursuant to your request, enclosed for Council consideration is a finalized copy of an ordinance amending Chapter 42 by providing for the adoption of the Federal Emergency Management Agency's newly revised Flood Insurance Rate and Flood Boundary-Floodway maps. If you have any questions or if you need anything further, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c: Mr. Ken Dippel, w/firm
Mr. John Hill, w/firm

December 29, 2000

MEMORANDUM

To: Chris Terry, Assistant City Manager

Through: Mike Murphy, P.E., Director of Public Works

From: Steve Chutchian, P.E., Assistant City Engineer ^{gzc}

Cc: Jim Pierce, P.E., Assistant Director of Public Works

Subject: Amendment of CHAPTER 42, "FLOODS," OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING ARTICLE II, "FLOOD DAMAGE PREVENTION," TO ENSURE ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Section 16.3145 of House Bill No. 1018 requires the governing body of each city and county to adopt an ordinance in order to become eligible to participate in the National Flood Insurance Program (NFIP). It further stipulates that adoption of this ordinance must take place prior to January 1, 2001. The attached ordinance was prepared to meet the requirements of the State legislature. Actual participation in the NFIP may be achieved by subsequent Council approval of a resolution that stipulates the desire of the Town of Addison to participate in the NFIP and enforce flood plain management regulations consistent with Federal Emergency Management Association (FEMA) criteria. House Bill 1018 does not include a means of enforcement or penalties for any municipality that fails to enter the program as a member.

Should the Town of Addison pursue participation in the NFIP in the future, the following benefits will be experienced throughout the community:

- Property owners located in the floodplain areas of the Town will become eligible for Federal Disaster Relief Funds, as a result of damage from tornados, flooding, etc.
- Properties may be covered by flood insurance to address other drainage related events, such as water main breaks and construction activity.
- Property owners may obtain flood hazard insurance, in accordance with FHA and VA requirements, when building in designated flood plain areas.

Public Works Department staff was advised by the Mitigation Division of FEMA that the proposed ordinance amendment may be submitted to their Denton, Texas office for disposition subsequent to the January 9, 2001 Council meeting.

Staff recommends that Council authorize the adoption of the above mentioned ordinance amendment, regarding eligibility for participation in the National Flood Insurance Program.

Dallas County-Wide Map System

Effective Date: August 23, 2001

Coordination Meeting Tuesday, 12 April 2001

Major Discussion Points

Maps:

- • The Final Determination Letter was dated February 23, 2001. Current preliminary maps OR the proof maps (use best available data) should be used for compliance purposes. Maps cannot be used for insurance purposes until the new effective date on August 23, 2001. → NEXT MAP REVISIONS AT LEAST 5 YRS. FROM NOW.
- Final Dallas County-Wide maps will be delivered to each community in Dallas County in late July or early August. New Effective Date: August 23, 2001.
- You will receive the Flood Insurance Study text with the final maps.
- You may order the digital data used to construct the maps on CD. It will not be available for distribution until after August 23rd.
- Each community will receive a set of "proof maps" soon. There will be a 5-day review period.
- Only major changes having severe impact on the hydraulics and hydrologies of the mapping may be considered at this time. The final maps are already in production. Only "show stopper" inaccuracies can be accepted. The formal appeal period was over on April 13, 2000.
- One last review prior to the final delivery.

Ordinance Revisions:

- • Every community in Dallas County will be required to revise their flood damage prevention ordinance. The only mandatory change is to reflect the new effective date of August 23, 2001. → SEND TO DALE HOFF (DENTON OFFICE)
- • A certified copy of the completed ordinance must be in our Regional Office by that date in order to avoid possible suspension from the NFIP.
- This is also the time to consider improving your community's ordinance.
 - Be sure it adequately addresses your specific needs.
 - Does it compliment or conflict with other related community laws and ordinances such as storm water or subdivision provisions.
 - Can your related laws and ordinances be combined?
 - Does your ordinance contain outdated information or procedures?
- Consider more restrictive measures. Improve safety by expanding on the minimum standards required by federal law. Lower the flood risk to people and property:
 - Add a 1 to 3 foot freeboard for structural development
 - Arrange for on-site detention of flood waters
 - Restrict or disallow development in a floodway

- Provide for a more restrictive floodway definition, ie., less than one foot surcharge.
- Provide that access areas to homes and critical facilities be constructed above the BFE.
- Require drainage plans for all development, in or out of the floodplain. Do not allow runoff from outside the floodplain to aggravate properties in the floodplain.
- Consider a cumulative approach for substantial damage and substantial improvement of structures.
- Prohibit HAZMAT materials from being produced or stored in a floodplain. Floodway?
- Require evacuation plans for residents at high risk to flooding, especially those in manufactured homes and RV Parks.

- Increased Cost Of Compliance (ICC) benefit for Repetitive Loss or Substantial Damage Structures: to take advantage of the insurance benefit for a repetitive loss or substantially damaged structure, there are two mandatory requirements (1) the property owner must have a current flood insurance policy, and (2) the community must be enforcing repetitive loss or cumulative substantial damage standards. To do so, these standards must be included in the community flood damage prevention ordinance. In most cases, the structure will also be required to have a history of repetitive losses. If this provision is included in the ordinance, the community must enforce it on all structures in the community, whether or not they have flood insurance.

- ^{TULSA} ~~Oklahoma City~~: CRS rating of 3. Best in the nation.
 Premium Discount is 35%
 Average \$68.01 per policy
 Community Savings \$163,965.08

What do they do different?

Prepared by:

Dale Hoff
 FEMA Region VI
 (940) 898-5225
 dale.hoff@fema.gov



Federal Emergency Management Agency

Region VI
Federal Regional Center
800 North Loop 288
Denton, TX 76209-3606

March 29, 2001

Steve Chutchian
Floodplain Administrator
PO Box 9010
Addison, TX 75001

Dear Mr. Chutchian:

This letter is to inform you of an important meeting I am co-hosting with the North Central Texas Council of Governments (NCTCOG). We will be discussing two major topics, (1) the new Dallas County-Wide Flood Insurance Rate Maps or FIRMs that will be arriving this summer, and (2) the importance of revising your Flood Damage Prevention Ordinances as a result of the new maps. I am inviting floodplain administrators from all Dallas County jurisdictions. It will be conducted on Thursday, April 12th, 2:00pm at the NCTCOG Office on Six Flags Drive in Arlington.

This meeting is intended primarily for floodplain administrators who will be dealing with the new maps and who are responsible to ensure the ordinance is revised. However, anyone, including elected officials, is welcome. It is important that someone from your community attend.

Maps

As you know, the new countywide maps will arrive in late July or early August. The effective date will be August 23, 2001.

You will receive an additional set of "proof maps" for your jurisdiction that will depict the same information that will appear on the final maps you will receive. These will be sent to your Mayor or other chief elected official and should arrive during the last half of April. The purpose of these maps is to ensure, one last time, that there are no "show stopper" inaccuracies. Technically, the appeal period is over and all appeals have been corrected as far as possible. At this point, only severe hydrologic and hydraulic inaccuracies can be addressed with the hope that it is not too late to make changes on the final maps. Nothing is promised.

I requested the "proofs" because of the complexity of the process and length of time the Dallas County maps have been under revision. The Trinity River Corridor Project was a

major element of this study along with other important parallel flood management issues. The new FIRMs will be a vital improvement over what exists now. We are just trying to ensure that the product will be as free of major inaccuracies as possible prior to its final delivery.

Ordinance Revisions

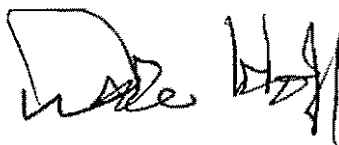
Each jurisdiction in the County will be required to revise their flood damage prevention ordinance as a result of the new maps. The only mandatory change will be to ensure that the new effective map date of August 23, 2001 replaces the information in your current ordinance. However, there are a few potential pitfalls your community might experience if the ordinance is not revised properly and on time.

Your new ordinance must be developed, properly passed, and a certified copy sent to us for approval prior to August 23rd. In many locations, this can be a 4 to 8 week process. Congress mandates that a community that does not have a current ordinance will be suspended from the National Flood Insurance Program (NFIP). It is important that this process is not delayed.

This is also the time to review your ordinance and see what can be done to improve it and make it work better for you. There are several floodplain management policies and at least one funding source within the NFIP that can be of great help to a community in managing its program but cannot be used unless they are legally binding and "enforceable" – meaning, they are stipulated in the ordinance. We will also provide other suggested improvements and methods for you to consider while attending this meeting.

I hope you will be able to attend. If you have any questions, please call me at (940) 898-5225.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Hoff', written in a cursive style.

Dale Hoff
Natural Hazards
Program Specialist

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of _____ has in (statutes) _____ delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the _____ of _____ (governing body) _____, does ordain as follows:
(community) (state)

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of _____ 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.

(2) 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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance 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.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance 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 - is the land in the floodplain within a community 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 (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, 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.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

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 man-made change in improved and 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 a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings,

columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - 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 construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or 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 a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR 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.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE 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 describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 areas within a community 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.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (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 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 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 or 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 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, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's 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 a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or 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 a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 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

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was 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 slab 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 basement, 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 restoring the 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 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 "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, 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 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 - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

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

(community)

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for _____," dated _____, with accompanying

(community)

(date maps will become effective)

Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR 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 man-made 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 community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE IV

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The _____ is hereby appointed the Floodplain
(professional title and/or name)
Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that 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. Where interpretation is needed as to 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) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is _____, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, 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 the provisions of Article 5.
9. When a regulatory floodway has not been designated, the Floodplain Administrator 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 Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

SECTION C. PERMIT PROCEDURES

Application for a 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:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance 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 lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. 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 sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

1. The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - 1) showing a good and sufficient cause;
 - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

- 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- a) the criteria outlined in Article 4, Section D(1)-(9) are met, and
 - b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level 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 and effects of buoyancy. 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 accepted standards of practice as outlined in this subsection. 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. **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 having a total net area of not less than one 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 foot above grade.
 - 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.

4. **Manufactured Homes -**

- a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and 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) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - 2) the manufactured home chassis 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.

5. **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) be on the site for fewer than 180 consecutive days,

- b) be fully licensed and ready for highway use, or
- c) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of 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 D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of **non-residential** structures;
 - a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - b) together with attendant utility and sanitary facilities be designed so that below the base flood level 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.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, 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:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

CERTIFICATION

It is hereby found and declared by _____ that severe
(community)

flooding has occurred in the past within its jurisdiction and will certainly occur within the future; 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 its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____
(community official)

PASSED: _____
(date)

I, the undersigned, _____, do hereby certify that the above is
a true and correct copy of an ordinance duly adopted by the _____
(community)
at a regular meeting duly convened on _____
(date)

(Secretary or responsible person)

(SEAL)

SUGGESTED WORDING FOR PENALTY CLAUSE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."

In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

THEREFORE: The following is *suggested wording* for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ _____ or imprisoned for not more than _____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from
(community)
taking such other lawful action as is necessary to prevent or remedy any violation.

**NATIONAL FLOOD INSURANCE PROGRAM
MINIMUM LAND MANAGEMENT CRITERIA
(Evaluation Sheet)**

As of 5/26/92

Community: _____ State _____ Date of Review _____

Name of Reviewer: _____ Reviewed by: FEMA State (circle one)

NOTE: The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Rules and Regulations for complete descriptions of the required standards.

Item Description (Section reference of NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section
	a	b	c	d	e	
1. Adopt definitions of: Base Flood, Development, Existing Manufactured Home Park or Subdivision, Expansion to an Existing Manufactured Home Park or Subdivision, Flood Insurance Rate Map, Flood Insurance Study, Floodway, Lowest Floor, Manufactured Home, Manufactured Home Park or Subdivision, New Construction, New Manufactured Home Park or Subdivision, Recreational Vehicle, Special Flood Hazard Area, Start of Construction, Structure, Substantial Damage, Substantial Improvement, and Violation, and other definitions as appropriate. [59.1]						
2. Require permits for all proposed construction or other development including placement of manufactured homes. [60.3(a)(1)]						
3. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]						
4. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement. [60.3(a)(3)(i)]						
(b) Use of flood-resistant materials. [60.3(a)(3)(ii)]						
(c) Construction methods/practices that minimize flood damage. [60.3(a)(3)(iii)]						
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. [60.3(a)(3)(iv)]						
5. Review subdivision proposals to assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]						
(b) Public utilities and facilities are constructed so as to minimize flood damage. [60.3(a)(4)(ii)]						
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]						
6. Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) & (6)]						
7. Require on-site waste disposal systems be designed to avoid impairment or contamination. [(60.3(a)(6)(ii)]						
8. Require permits for all proposed construction and other development within SFHAs on the FIRM or FIRM. [60.3(b)(1)]						

NOTE: If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level d and e.

Item Description (Section reference of NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section
	a	b	c	d	e	
9. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]						
10. In A Zones, in the absence of FIA BFE data and floodway data, consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. [60.3(b)(4)]						
11. Where BFE data are utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements. [60.3(b)(5)]						
12. Notify neighboring communities of watercourse alterations or relocations. [60.3(b)(6)]						
13. Maintain carrying capacity of altered or relocated watercourse. [60.3(b)(7)]						
14. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]						
15. Require all new and substantially improved residential structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. [60.3(c)(2)]						
16. In AO Zones, require that new and substantially improved residential structures have their lowest floor (including basement) at or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]						
17. Require that new and substantially improved nonresidential structures within A1-A30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the base flood elevation. [60.3(c)(3)]						
18. In AO Zones, require new and substantially improved nonresidential structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]						
19. Require that, for floodproofed non-residential structures, a registered professional/architect certify that the design and methods of construction meet requirements at (c)(3)(ii). [60.3(c)(4)]						
20. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters in accordance with specifications of 60.3(c)(5).						

NOTE: Items 16 and 18 are not required if community has no AO zones.

NOTE: If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level d and e.

Item Description (Section reference of NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section
	a	b	c	d	e	
21. Until a regulatory floodway is designated, no encroachment may increase the base flood level more than 1 foot. [60.3(c)(10)]						
22. In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]						
23. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored: i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]						
24. In A1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that i) the lowest floor is at or above the BFE, <u>or</u> ii) the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. [60.3(c)(12)]						
25. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. [60.3(c)(14)]						
26. Designate a regulatory floodway which will not increase the base flood level more than 1 foot. [60.3(d)(2)]						
27. In a regulatory floodway, prohibit any encroachment which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge. [60.3(d)(3)]						
28. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]						
29. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the lowest portion of the lowest horizontal structural member is at or above the BFE. [60.3(e)(4)]						
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at (a)(4)(i) and (ii). [60.3(e)(4)]						

NOTE: Item 21 is not required if all streams have floodways designated.
Item 22 is not required if community has no AO zones.

Item Description (Section reference of NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section
	a	b	c	d	e	
(c) Have the space below the lowest floor constructed with breakaway walls or left open. [60.3(e)(5)]						
(d) All new construction is landward of mean high tide. [60.3(e)(3)]						
(e) Prohibit use of fill for structural support. [60.3(e)(6)]						
(f) Prohibit alteration of sand dunes and mangrove stands which would increase potential flood damage. [60.3(e)(7)]						
30. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(e)(8)]						
31. In V1-30, VE, and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home part to be elevated so that i) the lowest floor is at or above the BFE, <u>or</u> ii) the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. [60.3(e)(9)]						
32. In V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. [60.3(e)(9)]						
ORDINANCES MUST ALSO CONTAIN THE FOLLOWING PROVISIONS:						
33. Adopt or reference correct map and date. [60.3(b)]						
34. Adopt or reference correct Flood Insurance Study and date. [60.3(c)]						
35. Citation of Statutory Authorization.						
36. Variance section with evaluation criteria and insurance notice. [60.6(a)]						
37. Adequate enforcement provisions including a violations/penalty section specifying actions community will take to assure compliance.						
38. Framework for administering the ordinance (permit system, establish office for administering the ordinance, etc.)						
39. Effective date . Adoption date .						
40. Signature of Appropriate Official and Certification.						

Item Description	Level of Regs					Applicable Ordinance Section
	a	b	c	d	e	
NOTE: THE FOLLOWING ARE OTHER PROVISIONS AND ACTIONS THAT MAY BE NECESSARY TO MAKE THE ORDINANCE LEGALLY ENFORCEABLE AND ENSURE THAT IT CAN BE PROPERLY ADMINISTERED.						
41. Purpose section citing health, safety, and welfare reasons for adoption.						
42. Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.						
43. Abrogation and Greater Restriction section.						
44. Severability section (If any section, provision, or portion of the ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)						
45. Public Hearing						
46. Publication						

COMMENTS: _____

J.P.

I WOULD LIKE FOR
YOU AND STEVE TO
LOOK OVER THE ATTACHED
Thank N.L.

Steve for
your review
& comments. I
don't think we have
the maps, do you?

Steve 4-10 Jim
Returning
this to your
file Jim



Federal Emergency Management Agency

Washington, D.C. 20472

J.P.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19NP-N

February 23, 2001

The Honorable R. Scott Wheeler
Mayor, Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

Community: Town of Addison, TX
Community No.: 481089
Map Panels Affected: 48113C0180 J, 0185 J,
and 0190 J

Dear Mayor Wheeler:

On September 7, 2000, the Federal Emergency Management Agency (FEMA) provided your community with revised Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Dallas County, Texas and Incorporated Areas for your review and comment. FEMA prepared the updated FIRM directly from the effective FIRMs for your community and other communities in Dallas County using a process that involves capturing data in a digital (computer-readable) format and plotting map panels using a specialized computer technology. The effective FIRMs identified the Special Flood Hazard Areas (SFHAs), areas that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), for your community and other communities in Dallas County. We have incorporated all essential information from the previously effective FIRMs, including Base Flood Elevations (BFEs).

Several comments were submitted from various communities regarding the Preliminary and Revised Preliminary FIRMs. Therefore, our Map Coordination Contractor will send you a Proof Copy of the final FIRM in mid-April for your review prior to the scheduled effective date of August 23, 2001. The formal appeal period is over. Appeals have been resolved as appropriate and the new FIRMs are essentially finalized. Only major floodplain delineation changes can be accepted at this time. Due to the time constraints involved, we will accept changes during a 5-day review period following initial receipt of the Proof Copy FIRM. Approximately three weeks before the effective date, FEMA will send you the final printed copies of the FIRM and FIS report.

When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. Copies of the digital files may be obtained by calling our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

To date, your community has not joined the National Flood Insurance Program (NFIP). As a result, the economic consequences of Sections 201(d) and 202 of the Flood Disaster Protection Act of 1973 (Public

Law 93-234) may apply. Questions 9, 10, and 18 of the enclosed brochure, entitled *Answers to Questions About The National Flood Insurance Program*, discuss those provisions of the 1973 Act.

The FIRM provides the basis for actuarial premium rates for flood insurance policies. These rates reflect the degree of exposure of property to flood risks. Actuarial flood insurance rates will be charged for all new construction started in identified SFHAs after the effective date of the FIRM. The actuarial flood insurance rates would increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. Conversely, building at a higher elevation can greatly reduce the cost of flood insurance. Hence, any structures not elevated above the established BFEs are exposed to greater flood hazard than if they were properly elevated. In the event that flood insurance becomes available in your community at some future date, the applicable premium rate for flood insurance for such new structures could be prohibitive. Because flood insurance is required for most types of mortgages for homes located in the floodplain, the high flood insurance premiums would likely represent a hardship for those purchasing flood insurance. The 1973 Act requires that no Federal financial assistance, such as loans, grants, insurance, guarantees, or disaster assistance, for flood-caused damage will be available for acquisition or construction of buildings within SFHAs identified for a community.

In view of the above, your community should consider adopting the minimum standards required to join the Regular Phase of the NFIP. The minimum standards that your community must adopt in a legally enforceable document are contained in Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.). Because there are a number of ways to adopt the required floodplain management measures to join the NFIP, we urge you to contact the FEMA Regional Office, at the telephone number cited below, for assistance.

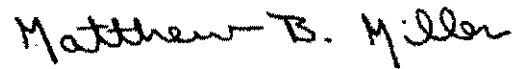
To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

FEMA makes flood insurance available in participating communities; in addition, we encourage communities to develop their own loss reduction and prevention programs. Through the *Project Impact: Building Disaster Resistant Communities* initiative, launched by FEMA in 1997, we seek to focus the energy of businesses, citizens, and communities in the United States on the importance of reducing their susceptibility to the impact of all natural disasters, including floods, hurricanes, severe storms, earthquakes, and wildfires. Natural hazard mitigation is most effective when it is planned for and implemented at the local level, by the entities who are most knowledgeable of local conditions and whose economic stability and safety are at stake. For your information, we are enclosing a copy of a pamphlet describing this nationwide initiative. For additional information on *Project Impact*, please visit our website at www.fema.gov/impact.

3

Because there are a number of ways your community may adopt the floodplain management measures required to join the NFIP, we urge you to call the Director, Mitigation Division of FEMA in Denton, Texas, at (940) 898-5127 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Matthew B. Miller, P. E., Chief
Hazards Study Branch
Mitigation Directorate

List of Enclosures:

“National Flood Insurance Program Elevation Certificate and Instructions”
“Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing Structures”
“Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map Construction”
“Use of Flood Insurance Study (FIS) Data as Available Data”
“National Flood Insurance Program Regulations”
“Project Impact: Building A Disaster Resistant Community”
“Answers to Questions About the National Flood Insurance Program”
“Summary of Map Actions”

cc: Community Map Repository

Mr. John Baumgartner
Floodplain Administrator
Town of Addison

FINAL SUMMARY OF MAP ACTIONS

Community: ADDISON, TOWN OF

Community No.: 481089

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on 08/23/2001.

1. LOMRs and LOMAs Incorporated

The modifications effected by the LOMRs and LOMAs listed below will be reflected on the revised FIRM. However, these LOMRs and LOMAs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMRs and LOMAs Not Incorporated

The modifications effected by the LOMRs and LOMAs listed below will not be reflected on the revised FIRM because of scale limitations or because the LOMR or LOMA issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMRs and LOMAs will remain in effect until the revised FIRM becomes effective. These LOMRs and LOMAs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single letter that reaffirms the validity of the previous LOMC.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	98-06-1948A	03/25/1999	THE WOODS, LOT 2 - 14816 WINNWOOD RD.	4810890030D	48113C0185J

3. LOMRs and LOMAs Superseded

The modifications effected by the LOMRs and LOMAs listed below will not be reflected on the final revised FIRM because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMRs and LOMAs will no longer be in effect when the revised FIRM becomes effective.

FINAL SUMMARY OF MAP ACTIONS

Community: ADDISON, TOWN OF

Community No.: 481089

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will Be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMRs and LOMAs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. We will review the data previously submitted for the LOMR or LOMA requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

**Plan to attend the North Central Texas Regional
Floodplain Administrators Quarterly Roundtable**

**Friday, April 6th, 2001
2:00 PM – 4:00 PM**

**North Central Texas Council of Governments
2nd Floor Board Room
616 Six Flags Drive, Centerpoint Two
Arlington, Texas
(map on reverse)**

The goal of the Quarterly Floodplain Administrators Roundtable is to foster communication among those responsible for floodplain management activities and to promote the exchange of technical advice and information about existing and proposed policies that affect floodplains.

Representatives of the Federal Emergency Management Agency, the US Army Corps of Engineers, and others will be on hand to facilitate the discussion and answer floodplain-related questions.

REGISTRATION

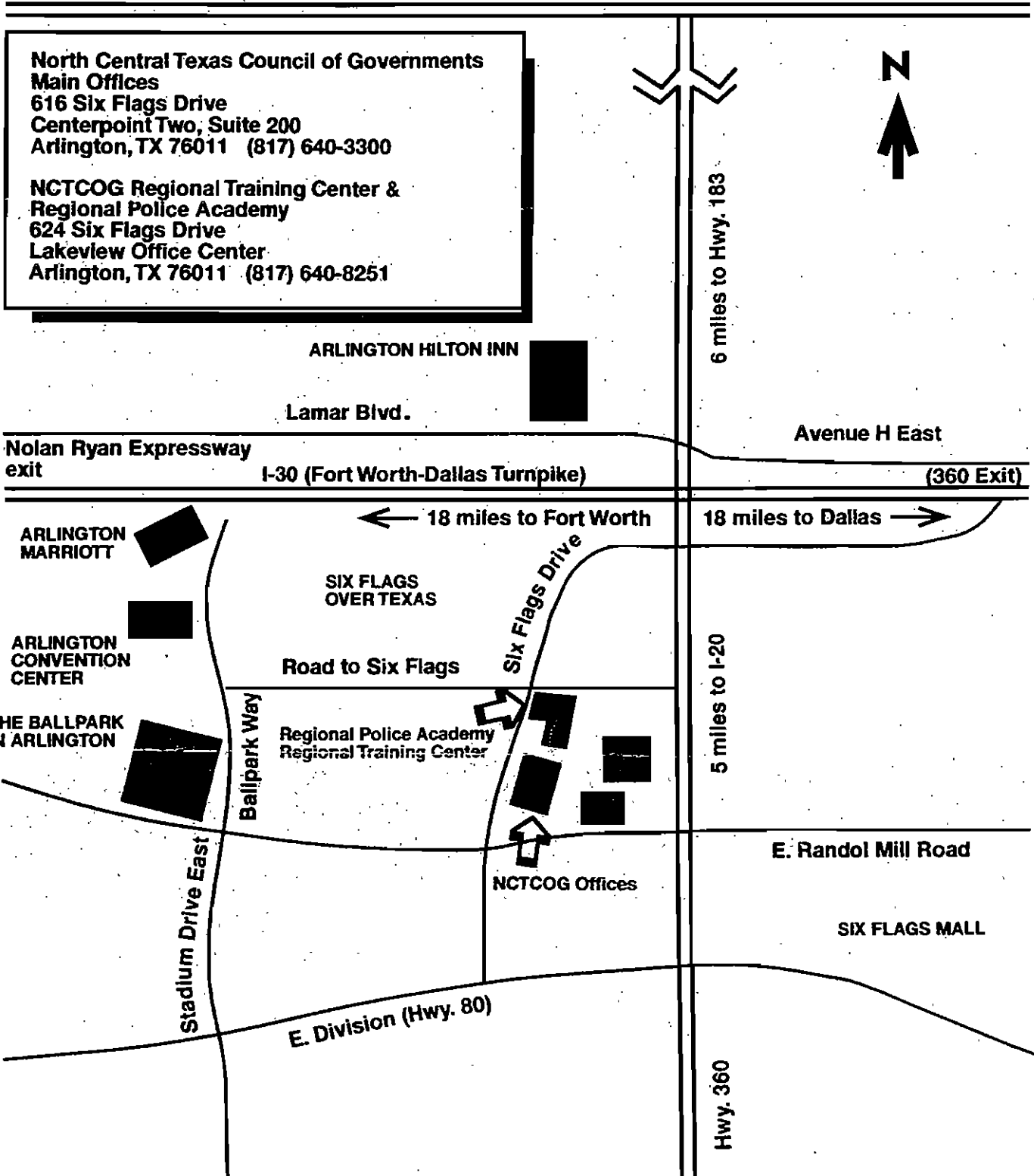
Name & Title:	STEVEN Z. CHUTCHIAN, ASSISTANT CITY ENGINEER
Organization:	TOWN OF ADDISON
Address:	P.O. BOX 9010
City, State, Zip:	ADDISON, TEXAS 75001-9010
Telephone:	972-450-2886
Fax:	972-450-2837
Email Address:	schatcian@ci.addison.tx.us

Please fax registration form to Sam Medlock at 817/695-9191 by April 4th, 2001. For more information, please contact Sam Medlock at 817-695-9219 or email smedlock@dfwinfo.com.

We look forward to seeing you there!

DFW Airport

Hwy. 183



THIS BILL SHOULD PASS!
By: Lucio, et al.

S.B. No. 517

A BILL TO BE ENTITLED
AN ACT

1-1 relating to authorizing counties to regulate land development;
 1-2 providing a penalty.
 1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-4 SECTION 1. Subtitle B, Title 7, Local Government Code, is
 1-5 amended by adding Chapter 236 to read as follows:
 1-6 CHAPTER 236. REGULATION OF LAND DEVELOPMENT IN COUNTIES
 1-7 Sec. 236.001. PURPOSE. The purpose of this chapter is to
 1-8 allow counties to regulate land development in unincorporated areas
 1-9 to prevent the proliferation of colonias and substandard housing
 1-10 developments.
 1-11 Sec. 236.002. DEFINITIONS. In this chapter:
 1-12 (1) "Substandard housing development" means an area in
 1-13 which:
 1-14 (A) water supply or sewer services are
 1-15 inadequate to meet minimal needs of residential users;
 1-16 (B) there is a lack of safe and sanitary
 1-17 housing; and
 1-18 (C) the majority population is composed of
 1-19 individuals and families of low and very low income, as defined by
 1-20 Section 2306.004, Government Code.
 1-21 Sec. 236.003. REGULATORY AUTHORITY. The commissioners court
 1-22 of the county by order may regulate land development in the
 1-23 unincorporated area of the county by:
 1-24 (1) adopting regulations relating to:
 1-25 (A) maximum densities, including the size of
 2-1 lots;
 2-2 (B) the height, number of stories, size, or
 2-3 number of buildings or other structures that may be located on a
 2-4 lot or tract;
 2-5 (C) the percentage of a lot or tract that may be
 2-6 occupied; and
 2-7 (D) the location of buildings and other
 2-8 structures on a lot or tract; and
 2-9 (2) adopting building codes to promote safe and
 2-10 uniform building, plumbing, and electrical standards.
 2-11 Sec. 236.004. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
 2-12 ORDER. If an order adopted under this chapter conflicts with an
 2-13 ordinance of a municipality, the municipal ordinance prevails
 2-14 within the municipality's jurisdiction to the extent of the
 2-15 conflict.
 2-16 Sec. 236.005. EXISTING COUNTY AUTHORITY UNAFFECTED. The
 2-17 authority granted by this chapter does not affect the authority of
 2-18 the commissioners court to adopt an order or ordinance under other
 2-19 law.
 2-20 Sec. 236.006. INJUNCTION. The county, in a suit brought by
 2-21 the county attorney or other prosecuting attorney representing the
 2-22 county in the district court, is entitled to appropriate injunctive
 2-23 relief to prevent the violation or threatened violation of an order
 2-24 adopted under this chapter from continuing or occurring.
 2-25 Sec. 236.007. PENALTY. A person commits an offense if the
 2-26 person violates a restriction or prohibition imposed by an order
 3-1 adopted under this chapter. An offense under this section is a
 3-2 Class C misdemeanor.
 3-3 SECTION 2. This Act takes effect immediately if it receives
 3-4 a vote of two-thirds of all the members elected to each house, as
 3-5 provided by Section 39, Article III, Texas Constitution. If this
 3-6 Act does not receive the vote necessary for immediate effect, this
 3-7 Act takes effect September 1, 2001.
 3-8

Big Item →

TEXAS LEGISLATURE ONLINE

Site Map

Home ★ Legislation ★ House ★ Senate ★ Information ★ Resources ★ Agencies

**Bill History**
[Bill History](#) · [Text](#) · [Actions](#) · [Captions](#) · [Authors](#) · [Coauthors](#) · [Amendment](#) · [Next Bill](#)

Bill: SB 517

Legislative Session: 77(R)

Council Document: 77R 03157

ENGROSSED 03/08/2001 H Referred to Land and Resource Management

Relating to authorizing counties to regulate land development; providing a penalty.

Author: Lucio**Coauthor:** Carona | Fraser | Jackson | Shapleigh | Sibley | Truan | Van de Putte | West, Royce | Zaf

Subjects: 10096 County Government--General
 10098 County Government--Land Use & Zoning
 S0045 BORDER
 S8735 COLONIAS

Senate Committee: Subcommittee on Border Affairs**Status:** Out**Vote:** AYES= 7 NAYS= 0 PNV= 0 ABSENT= 0**Bill Subcommittee:****House Committee:** Land & Resource Management**Status:** In**Bill Subcommittee:**

[Home](#) | [Legislation](#) | [House](#) | [Senate](#) | [Information](#) | [Resources](#) | [Agencies](#) | [Top](#)

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A BILL TO BE ENTITLED
AN ACT

1-1
1-2 relating to floodplain management and flood insurance; providing a
1-3 criminal penalty.

1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-5 SECTION 1. Sections 16.313(2) and (3), Water Code, are
1-6 amended to read as follows:

1-7 (2) "National Flood Insurance Act" means the National
1-8 Flood Insurance Act of 1968, as amended (42 U.S.C. Sections 4001
1-9 through 4127), and the implementation and administration of the Act
1-10 by the director [~~Secretary~~] of the Federal Emergency Management
1-11 Agency [~~United States Department of Housing and Urban Development~~].

1-12 (3) "Director" [~~"Secretary"~~] means the director
1-13 [~~Secretary~~] of the Federal Emergency Management Agency [~~United~~
1-14 ~~States Department of Housing and Urban Development~~].

1-15 SECTION 2. Sections 16.314 and 16.315, Water Code, are
1-16 amended to read as follows:

1-17 Sec. 16.314. COOPERATION OF COMMISSION. In recognition of
1-18 the necessity for a coordinated effort at all levels of government,
1-19 the commission shall cooperate with the Federal Emergency
1-20 Management Agency [~~Insurance Administrator of the United States~~
1-21 ~~Department of Housing and Urban Development~~] in the planning and
1-22 carrying out of state participation in the National Flood Insurance
1-23 Program; however, the responsibility for qualifying for the
1-24 National Flood Insurance Program shall belong to any interested
2-1 political subdivision, whether presently in existence or created in
2-2 the future.

2-3 Sec. 16.315. POLITICAL SUBDIVISIONS; COMPLIANCE WITH
2-4 FEDERAL REQUIREMENTS. All political subdivisions are hereby
2-5 authorized to take all necessary and reasonable actions to comply
2-6 with the requirements and criteria of the National Flood Insurance
2-7 Program, including but not limited to:

2-8 (1) making appropriate land use adjustments to
2-9 constrict the development of land which is exposed to flood damage
2-10 and minimize damage caused by flood losses;

2-11 (2) guiding the development of proposed future
2-12 construction, where practicable, away from a location which is
2-13 threatened by flood hazards;

2-14 (3) assisting in minimizing damage caused by floods;

2-15 (4) authorizing and engaging in continuing studies of
2-16 flood hazards in order to facilitate a constant reappraisal of the
2-17 flood insurance program and its effect on land use requirements;

2-18 (5) engaging in floodplain management and adopting and
2-19 enforcing permanent land use and control measures consistent with
2-20 the criteria established under the National Flood Insurance Act;

2-21 (6) declaring property, when such is the case, to be
2-22 in violation of local laws, regulations, or ordinances which are
2-23 intended to discourage or otherwise restrict land development or
2-24 occupancy in flood-prone areas and notifying the director
2-25 [~~secretary~~], or whomever the director [~~he~~] designates, of such
2-26 property;

2-27 (7) consulting with, giving information to, and
3-1 entering into agreements with the Federal Emergency Management
3-2 Agency [~~Department of Housing and Urban Development~~] for the
3-3 purpose of:

3-4 (A) identifying and publishing information with
3-5 respect to all flood areas, including coastal areas; and
3-6 (B) establishing flood-risk zones in all such
3-7 areas and making estimates with respect to the rates of probable
3-8 flood-caused loss for the various flood-risk zones for each of
3-9 these areas;

3-10 (8) cooperating with the director's [~~secretary's~~]
3-11 studies and investigations with respect to the adequacy of local
3-12 measures in flood-prone areas as to land management and use, flood
3-13 control, flood zoning, and flood damage prevention;

3-14 (9) taking steps, using regional, watershed, and
3-15 multi-objective approaches, to improve the long-range management
3-16 and use of flood-prone areas;

3-17 (10) purchasing, leasing, and receiving property from
3-18 the director [~~secretary~~] when such property is owned by the federal
3-19 government and lies within the boundaries of the political
3-20 subdivision pursuant to agreements with the Federal Emergency
3-21 Management Agency [~~Department of Housing and Urban Development~~] or
3-22 other appropriate legal representative of the United States
3-23 Government;

3-24 (11) requesting aid pursuant to the entire
3-25 authorization from the commission;

3-26 (12) satisfying criteria adopted and promulgated by
3-27 the commission pursuant to the National Flood Insurance Program;
4-1 [and]

4-2 (13) adopting permanent land use and control measures
4-3 with enforcement provisions which are consistent with the criteria
4-4 for land management and use adopted by the director;

4-5 (14) adopting more comprehensive floodplain management
4-6 rules that the political subdivision determines are necessary for
4-7 planning and appropriate to protect public health and safety;

4-8 (15) participating in floodplain management and
4-9 mitigation initiatives such as the National Flood Insurance
4-10 Program's Community Rating System, Project Impact, or other
4-11 initiatives developed by federal, state, or local government; and

4-12 (16) collecting reasonable fees to cover the cost of
4-13 administering a local floodplain management program [~~secretary~~].

4-14 SECTION 3. Section 16.316(b), Water Code, is amended to read
4-15 as follows:

4-16 (b) Pursuant to the National Flood Insurance Program and
4-17 state and local efforts complementing the program, the commission
4-18 shall aid, advise, and cooperate with political subdivisions, the
4-19 Texas Department [~~State Board~~] of Insurance, and the Federal
4-20 Emergency Management Agency [~~United States Department of Housing~~
4-21 ~~and Urban Development~~] when aid, advice, and cooperation are
4-22 requested or deemed advisable by the commission [~~board~~].

4-23 SECTION 4. Sections 16.317, 16.318, 16.319, 16.320, and
4-24 16.321, Water Code, are amended to read as follows:

4-25 Sec. 16.317. COOPERATION OF TEXAS DEPARTMENT [~~STATE BOARD~~]
4-26 OF INSURANCE. Pursuant to the National Flood Insurance Program, the
4-27 Texas Department [~~State Board~~] of Insurance shall aid, advise, and
5-1 cooperate with political subdivisions, the commission, and the
5-2 Federal Emergency Management Agency [~~United States Department of~~
5-3 ~~Housing and Urban Development~~] when such aid, advice, and
5-4 cooperation are requested or deemed advisable by the Texas
5-5 Department [~~State Board~~] of Insurance.

5-6 Sec. 16.318. RULES. Political subdivisions which qualify for

5-7 the National Flood Insurance Program, the Texas Department [State
5-8 Board] of Insurance, and the commission may adopt and promulgate
5-9 reasonable rules which are necessary for the orderly effectuation
5-10 of the respective authorizations herein.

5-11 Sec. 16.319. QUALIFICATION. Political subdivisions wishing
5-12 to qualify under the National Flood Insurance Program shall have
5-13 the authority to do so by complying with the directions of the
5-14 Federal Emergency Management Agency [~~Department of Housing and~~
5-15 ~~Urban Development~~] and by:

5-16 (1) evidencing to the director [~~secretary~~] a positive
5-17 interest in securing flood insurance coverage under the National
5-18 Flood Insurance Program; and

5-19 (2) giving to the director [~~secretary~~] satisfactory
5-20 assurance that measures will have been adopted for the political
5-21 subdivision which measures will be consistent with the
5-22 comprehensive criteria for land management and use developed by the
5-23 Federal Emergency Management Agency [~~Department of Housing and~~
5-24 ~~Urban Development~~, and that the application and enforcement of such
5-25 measures will commence as soon as technical information on
5-26 floodways and on controlling elevations is available].

5-27 Sec. 16.320. COASTAL EROSION. The Commissioner of the
6-1 General Land Office is authorized to perform all acts necessary to
6-2 develop and implement a program for certification of structures
6-3 subject to imminent collapse due to erosion under the National
6-4 Flood Insurance Act [~~of 1968 (42 U.S.C. Section 4001 et seq.)~~].
6-5 This program shall include administrative rules adequate to meet
6-6 all erosion-related requirements of the National Flood Insurance
6-7 Act [~~of 1968 (42 U.S.C. Section 4001 et seq.)~~], including the
6-8 establishment of required erosion zones in order for the state to
6-9 receive approval to administer the program. This section shall
6-10 apply to any amendment of or law replacing Section 4013(c) of the
6-11 National Flood Insurance Act [~~of 1968 (42 U.S.C. Section 4001 et~~
6-12 ~~seq.)~~]. Except as otherwise provided by this section, all actions
6-13 taken by political subdivisions under Section 16.315 of this code
6-14 with respect to structures in imminent danger of collapse from
6-15 coastal erosion must comply with rules and regulations adopted by
6-16 the commissioner under this section. A political subdivision may
6-17 adopt rules that are more stringent than those adopted by the
6-18 commissioner under this section, provided the stricter provisions
6-19 are intended to ensure compliance with the National Flood Insurance
6-20 Program's [~~Program's~~] rules, regulations, and policies.

6-21 Sec. 16.321. COASTAL FLOODING. The Commissioner of the
6-22 General Land Office shall adopt and enforce reasonable rules and
6-23 regulations necessary for protection from flooding on barrier
6-24 islands, peninsulas, and mainland areas fronting on the Gulf of
6-25 Mexico. Rules and regulations adopted pursuant to this section
6-26 shall be limited to those matters that political subdivisions are
6-27 authorized to address under Section 16.315 of this code [~~and may~~
7-1 ~~not impose requirements stricter than those established by the~~
7-2 ~~federal agency administering the National Flood Insurance Act of~~
7-3 ~~1968 (42 U.S.C. Section 4001 et seq.)~~]. Except as otherwise
7-4 provided by this section, all actions taken by political
7-5 subdivisions under Section 16.315 of this code with respect to
7-6 flooding on barrier islands, peninsulas, and mainland areas
7-7 fronting on the Gulf of Mexico must comply with rules and
7-8 regulations adopted by the commissioner under this section. A
7-9 political subdivision may adopt rules that are more stringent than

7-10 those adopted by the commissioner under this section, provided the
7-11 stricter provisions are intended to ensure compliance with the
7-12 National Flood Insurance Program's [~~Programs~~] rules, regulations,
7-13 and policies.

7-14 SECTION 5. Subchapter I, Chapter 16, Water Code, is amended
7-15 by adding Section 16.3221 to read as follows:

7-16 Sec. 16.3221. CRIMINAL PENALTY. (a) A person commits an
7-17 offense if the person violates this subchapter.

7-18 (b) An offense under this section is a Class C misdemeanor.

7-19 (c) Each violation of this subchapter and each day of a
7-20 continuing violation is a separate offense.

7-21 SECTION 6. Section 16.323, Water Code, is amended to read as
7-22 follows:

7-23 Sec. 16.323. ENFORCEMENT BY POLITICAL SUBDIVISION [COUNTY].

7-24 (a) If it appears that a person has violated, is violating, or is
7-25 threatening to violate this subchapter or a rule adopted or order
7-26 issued under this subchapter, a political subdivision [county] may
7-27 institute a civil suit in the appropriate [~~a district~~] court for:

8-1 (1) injunctive relief to restrain the person from
8-2 continuing the violation or threat of violation, including an order
8-3 directing the person to remove illegal improvements and restore
8-4 preexisting conditions;

8-5 (2) the assessment and recovery of the civil penalty
8-6 provided by Section 16.322; or

8-7 (3) both the injunctive relief and the civil penalty.

8-8 (b) On application for injunctive relief and a finding that
8-9 a person has violated, is violating, or is threatening to violate
8-10 this subchapter or a rule adopted or order issued under this
8-11 subchapter, the [~~district~~] court shall grant the injunctive relief
8-12 that the facts warrant.

8-13 [~~(c) This section applies only to a county that:~~]

8-14 [~~(1) contains two or more municipalities each of which~~
8-15 ~~has a population of 250,000 or more;~~]

8-16 [~~(2) has a population of 2.8 million or more; or~~]

8-17 [~~(3) has a population of 270,000 or more and is~~
8-18 ~~adjacent to two or more counties each of which has a population of~~
8-19 ~~one million or more.]~~

8-20 SECTION 7. This Act takes effect September 1, 2001.

TEXAS LEGISLATURE ONLINE

Site Map

[Home](#) ★ [Legislation](#) ★ [House](#) ★ [Senate](#) ★ [Information](#) ★ [Resources](#) ★ [Agencies](#)

Bill History

[Bill History](#) · [Text](#) · [Actions](#) · [Captions](#) · [Companion](#) · [Authors](#) · [Next Bill](#)**Bill:** SB 936**Legislative Session:** 77(R)**Council Document:** 77R 07018**ENGROSSED 04/02/2001 H Left pending in committee**

Relating to floodplain management and flood insurance; providing a criminal penalty.

Author: Armbrister**Subjects:** I0067 Coastal Affairs & Beaches
I0211 Disaster Preparedness & Relief
I0588 Political Subdivisions
I0885 Water—General
S0327 FLOODS**Senate Committee:** [Natural Resources](#)**Status:** Out**Vote:** AYES= 5 NAYS= 0 PNV= 0 ABSENT= 2**Bill Subcommittee:****House Committee:** [Land & Resource Management](#)**Status:** In**Bill Subcommittee:**

[Home](#) | [Legislation](#) | [House](#) | [Senate](#) | [Information](#) | [Resources](#) | [Agencies](#) | [Top](#)Texas Legislature Online
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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

March 12, 2001

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on
Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB936 by Armbrister (Relating to floodplain management
and flood insurance; providing a criminal penalty.), As
Introduced

* No significant fiscal implication to the State is anticipated. *

Local Government Impact

The bill would require that political subdivisions adopt more comprehensive floodplain management rules determined to be necessary and to participate in floodplain management and mitigation initiatives such as the National Flood Insurance Program Community Rating system, Project Impact, or other initiatives developed by federal, state, or local government. The provisions of the bill also would allow the subdivisions to collect reasonable fees to cover the cost of administering a local floodplain management program. Any new costs resulting from enactment of the bill are expected to be recovered through these fees.

According to the Texas Natural Resource Conservation Commission, some local government entities already charge an application fee to help offset the costs of administering the floodplain program. The cost of administering the program varies depending on the level of sophistication of the system, population growth in the area, and the number of permits issued monthly. Of those political subdivisions charging a fee, the fee ranges from \$25 for development outside of the floodplain to \$75 for development inside the floodplain. Large cities and counties issue a high number of permits per month, while smaller communities may issue only one or two permits per month. Authorizing fees to recoup costs would create a cost savings for those political subdivisions not already charging such fees.

Source Agencies: 582 Texas Natural Resource Conservation Commission,
580 Texas Water Development Board, 454 Texas
Department of Insurance, 305 General Land Office
LBB Staff: JK, CL, TL, DB

SRC-SEW S.B. 936 77(R) BILL ANALYSIS

Senate Research Center S.B. 936
77R7018 QS-DBY: Armbrister
Natural Resources
3/12/2001
As Filed

DIGEST AND PURPOSE

Current state law relating to floodplain management and flood insurance references agencies whose names have changed. Also, under current law, there is no specific reference to a county's ability to enforce a floodplain management court order. This is substantiated by language passed during the previous two legislative sessions that allows only three counties to enforce and collect civil penalties for violations of the order. Finally, currently counties may only do the minimum necessary for participation in the National Flood Insurance Program and may not exceed the Federal Emergency Management Agency's minimum requirements. As proposed, S.B. 936 updates enabling legislation regarding references to both federal and state agencies; enables counties to enforce floodplain management court orders; and allows counties to participate in mitigation activities that would reduce susceptibility to flood damage.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Insurance is modified in SECTION 4 (Section 16.318, Water Code) of this bill in compliance with conforming changes and granted to the new Texas Department of Insurance, formerly the State Board of Insurance.

Rulemaking authority previously granted to the Commissioner of the General Land Office is modified in SECTION 4 (Section 16.321, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 16.313(2) and (3), Water Code, to redefine "National Flood Insurance Act" and define "director."

SECTION 2. Amends Sections 16.314 and 16.315, Water Code, as follows:

Sec. 16.314. Makes a conforming change.

Sec. 16.315. Authorizes all political subdivisions to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program, including but not limited to certain stated actions.

SECTION 3. Amends Section 16.316(b), Water Code, to require the Texas Natural Resource Conservation Commission (commission), pursuant to the National Flood Insurance Program (NFIP) and state and local efforts complementing the program, to aid, advise, and cooperate with political subdivisions, the Texas Department (rather than State Board) of Insurance, and the Federal Emergency Management Agency (FEMA) when aid, advice, and cooperation are requested or deemed advisable by the commission (rather than the Texas Water Development Board (board)).

SECTION 4. Amends Sections 16.317, 16.318, 16.319, 16.320, and 16.321, Water Code, as follows:

Sec. 16.317. New heading: COOPERATION OF TEXAS DEPARTMENT OF INSURANCE. Makes conforming changes.

Sec. 16.318. Makes a conforming change in granting rulemaking authority to the Texas Department of Insurance, formerly the State Board of Insurance.

Sec. 16.319. Requires that political subdivisions wishing to qualify under NFPA have the authority to do so by complying with the directions of FEMA and by meeting certain stated requirements. Makes conforming changes.

Sec. 16.320. Deletes the text "of 1968 (42 U.S.C. Section 4001 et seq.)" concerning the National Flood Insurance Act. Makes a conforming change.

Sec. 16.321. Deletes text prohibiting rules and regulations adopted by the Commissioner of the General Land Office pursuant to this section from imposing requirements stricter than those established by the federal agency administering the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.). Makes a conforming change.

SECTION 5. Amends Chapter 16I, Water Code, by adding Section 16.3221, as follows:

Sec. 16.3221. CRIMINAL PENALTY. Provides that a person commits an offense that is a Class C misdemeanor if the person violates this subchapter and that each violation of this subchapter and each day of a continuing violation is a separate offense.

SECTION 6. Amends Section 16.323, Water Code, as follows:

Sec. 16.323. New heading: ENFORCEMENT BY POLITICAL SUBDIVISION. Authorizes a political subdivision (rather than a county), if it appears that a person has violated, is violating, or is threatening to violate this subchapter or a rule adopted or order issued under this subchapter, to institute a civil suit in the appropriate (rather than a district) court for certain stated purposes. Makes a conforming change. Deletes existing Subsection (c) regarding restrictions on the application of this section.

SECTION 7. Effective date: September 1, 2001.

By Jones of Dallas
77R7090 KEL-D

H.B. No. 2481

A BILL TO BE ENTITLED
AN ACT

1-1
1-2 relating to a prohibition of the delivery or installation of a new
1-3 or used manufactured home in a flood-prone area.

1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-5 SECTION 1. Section 6, Texas Manufactured Housing Standards
1-6 Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by
1-7 adding Subsection (n) to read as follows:

1-8 (n)(1) In this subsection, "homesite" means the land on
1-9 which the foundation system for a manufactured home is or will be
1-10 located.

1-11 (2) A retailer, broker, or salesperson who sells,
1-12 exchanges, or lease-purchases a new or used manufactured home to a
1-13 consumer for use as a permanent dwelling may not:

1-14 (A) deliver or arrange for the delivery of the
1-15 home to a homesite in a special flood hazard area designated by the
1-16 director of the Federal Emergency Management Agency;

1-17 (B) install or arrange for the installation of
1-18 the home at a homesite in that area; or

1-19 (C) assist the consumer in the delivery or
1-20 installation of, or in making arrangements for the delivery or
1-21 installation of, the home to or at a homesite in that area.

1-22 (3) Before closing on the acquisition of a new or used
1-23 manufactured home for use as a permanent dwelling, a consumer
1-24 seeking to acquire the home must provide to the retailer, broker,
2-1 or salesperson selling, exchanging, or lease-purchasing the home
2-2 proof that the homesite proposed for the home is not located in a
2-3 special flood hazard area designated by the director of the Federal
2-4 Emergency Management Agency.

2-5 SECTION 2. The change in law made by this Act applies only to
2-6 the sale, exchange, or lease-purchase of a new or used manufactured
2-7 home on or after the effective date of this Act.

2-8 SECTION 3. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2001.

Attempts
to keep
mobile homes out
of the
flood plain

TEXAS LEGISLATURE ONLINE

Site Map

Home ★ Legislation ★ House ★ Senate ★ Information ★ Resources ★ Agencies



Bill History

[Bill History](#) · [Text](#) · [Actions](#) · [Captions](#) · [Authors](#) · [Next Bill](#)

Bill: HB 2481

Legislative Session: 77(R)

Council Document: 77R 07090

INTRODUCED 04/02/2001 H Left pending in committee

Relating to a prohibition of the delivery or installation of a new or used manufactured home in a flood-prone area.

Author: Jones, Jesse

Subjects: I0211 Disaster Preparedness & Relief
I0405 Housing—General
I0620 Property Interests—General
I0740 Safety
S0327 FLOODS
S2801 MANUFACTURED HOUSING

House Committee: [Land & Resource Management](#)

Status: In

Bill Subcommittee:

[Home](#) | [Legislation](#) | [House](#) | [Senate](#) | [Information](#) | [Resources](#) | [Agencies](#) | [Top](#)

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HBA-CBW H.B. 2481 77(R) BILL ANALYSIS

Office of House Bill Analysis H.B. 2481
By: Jones, Jesse
Land & Resource Management
3/28/2001
Introduced

BACKGROUND AND PURPOSE

The Federal Emergency Management Agency (FEMA) has required Dallas County to adopt specific flood plain management regulations to participate in the National Flood Insurance Program. One of the regulations requires persons seeking to install a manufactured home in the flood plain to elevate the structure above the 100-year flood level. Despite the good intentions of this regulation, people have continued to locate manufactured homes in the flood plain without meeting the elevation requirements. House Bill 2481 prohibits certain persons from assisting in the installation of a new or used manufactured home in an area designated by the director of FEMA as a flood hazard area and provides that a consumer must provide flood information to the seller of a new or used manufactured home prior to closure of an acquisition.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2481 amends law to provide that a retailer, broker, or salesperson who sells, exchanges, or lease-purchases a new or used manufactured home to a consumer for use as a permanent dwelling may not:
_deliver or arrange for the delivery of the home to a homesite in a special flood hazard area designated by the director of the Federal Emergency Management Agency (FEMA);

_install or arrange for the installation of the home at a homesite in that area; or

_assist the consumer in the delivery or installation of, or in making arrangements for the delivery or installation of, the home to or at a homesite in that area.

Before closing on the acquisition of a new or used manufactured home for use as a permanent dwelling, the bill provides that a consumer seeking to acquire the home must provide to the retailer, broker, or salesperson selling, exchanging, or lease-purchasing the home proof that the homesite proposed for the home is not located in a special flood hazard area designated by the director of FEMA.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2001.

By Turner of Coleman
77R3316 AJA-F

H.B. No. 516

A BILL TO BE ENTITLED
AN ACT

- 1-1 relating to participation of cities and counties in the National
1-2 Flood Insurance Program.
1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-4 SECTION 1. Section 16.3145, Water Code, is amended to read as
1-5 follows:
1-6 Sec. 16.3145. NATIONAL FLOOD INSURANCE PROGRAM ORDERS OR
1-7 ORDINANCES. (a) This section does not apply to a county with a
1-8 population of 20,000 or less.
1-9 (b) The governing body of each city and county subject to
1-10 this section shall adopt ordinances or orders, as appropriate,
1-11 necessary for the city or county to be eligible to participate in
1-12 the National Flood Insurance Program.
1-13 SECTION 2. This Act takes effect September 1, 2001.
1-14

TEXAS LEGISLATURE ONLINE

[Site Map](#)

[Home](#) ★ [Legislation](#) ★ [House](#) ★ [Senate](#) ★ [Information](#) ★ [Resources](#) ★ [Agencies](#)



Bill History

[Bill History](#) · [Text](#) · [Actions](#) · [Captions](#) · [Authors](#) · [Next Bill](#)

Bill: HB 516

Legislative Session: 77(R)

Council Document: 77R 03316

INTRODUCED 01/31/2001 H Referred to Land and Resource Management

Relating to participation of cities and counties in the National Flood Insurance Program.

Author: Tumer, Bob

Subjects: 10096 County Government--General
10442 Insurance--Property & Casualty
S0327 FLOODS

House Committee: Land & Resource Management

Status: In

Bill Subcommittee:

[Home](#) | [Legislation](#) | [House](#) | [Senate](#) | [Information](#) | [Resources](#) | [Agencies](#) | [Top](#)

Texas Legislature Online
Created: 05 Apr 2001 - 03:07PM

By Turner of Coleman
77R3316 AJA-F

H.B. No. 516

A BILL TO BE ENTITLED
AN ACT
relating to participation of cities and counties in the National
Flood Insurance Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.3145, Water Code, is amended to read as
follows:

Sec. 16.3145. NATIONAL FLOOD INSURANCE PROGRAM ORDERS OR
ORDINANCES. (a) This section does not apply to a county with a
population of 20,000 or less.

(b) The governing body of each city and county subject to
this section shall adopt ordinances or orders, as appropriate,
necessary for the city or county to be eligible to participate in
the National Flood Insurance Program.

SECTION 2. This Act takes effect September 1, 2001.

MAY BE PASSED!

Question:
will smaller
counties pull
out of NFIP
if this bill
is passed

TEXAS LEGISLATURE ONLINE

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TEXAS FLOODPLAIN MANAGEMENT ASSOCIATION

ANNUAL TEXAS FLOOD CONFERENCE AND TRAINING WORKSHOP

MAY 15-18, 2001

FREDERICKSBURG, TEXAS

PRE-REGISTRATION FORM

NAME: _____

TITLE: _____

EMPLOYER: _____

ADDRESS: _____

CITY: _____, TEXAS ZIP: _____

TELEPHONE: () _____ FAX: () _____

E-MAIL ADDRESS: _____

PLEASE INDICATE YOUR INTENTIONS:

NO - I WILL NOT ATTEND THIS YEAR, BUT KEEP ME ON THE LIST FOR FUTURE TRAINING OPPORTUNITIES.

YES - I WILL ATTEND THIS YEAR. PLEASE SEND A CONFERENCE REGISTRATION PACKET.

PRE-CONFERENCE TRAINING SESSION - MAY 15-16, 2001

"MANAGING FLOODPLAIN DEVELOPMENT" - 8 HR. COURSE - \$35.00 EXTRA FEE

NO - I WILL NOT REGISTER FOR THE EXTRA TRAINING SESSION.

YES - I WANT TO REGISTER FOR THE EXTRA TRAINING SESSION.

TFMA TEXAS NATIONAL CERTIFICATION EXAM - FRIDAY, MAY 18, 2001

NO - I DO NOT PLAN ON TAKING THE EXAM.

YES - I WISH TO PRE-REGISTER FOR THE EXAM.

Please complete this form and fax to Roy D. Sedwick, c/o LCRA at (512) 473-3539. If you wish, you may mail form to Roy D. Sedwick, CFM, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767-0220. When a completed form is received, you will be mailed a Conference Registration Packet containing a locator map, conference agenda, a conference registration form with payment of fees, and other information. You must be a member of the TFMA before you can take the TFMA Texas National Certification Exam.

If you have any questions, please call Roy Sedwick at (512) 473-3200 x 2805.

Thursday - May 17, 2001

7:30 am - 8:00 am - CONFERENCE REGISTRATION
8:00 am - 11:30 am - TEXAS FLOOD CONFERENCE CONTINUES
Four Topical Presentations
11:30 am - 1:00 pm - LUNCH - WITH SPECIAL GUEST SPEAKER
1:00 pm - 4:00 pm - CONFERENCE CONTINUES
Five Topical Presentations
4:00 pm - 5:00 pm - TFMA COMMITTEE MEETINGS
6:00 pm - 10:00 pm - TFMA BANQUET
TFMA Business Meeting
Election of Officers
Reports from Regional Directors & Committees
Social

Friday - May 18, 2001

8:00 am - 10:15 pm - THREE CONCURRENT TRAINING SESSIONS
10:30 am - 11:30 am - PANEL OF EXPERTS
12:30 pm - 4:00 pm - TFMA TEXAS NATIONAL CFM EXAM

PRE-REGISTRATION

To help TFMA plan for this event, we have developed a Conference Pre-Registration Form to determine the number of persons attending and their preferences on attending the Early Bird workshop and taking the Texas National CFM Exam. Please complete the form and return to Roy D. Sedwick, CFM at Fax (512) 473-3539. When a completed form is received, those attending the conference will receive a Conference Registration Packet containing a Registration Form with payment of fees, a map locator, a complete agenda and other information.

REGISTRATION FEES

TFMA is still finalizing the costs of catering and other special functions, but for budget purposes you can estimate registration fees for the conference to range from \$100 to \$125 for TFMA members. There will be an addition fee of \$35 per person if you wish to attend the Early Bird Training Workshop. There is no fee to take the TFMA CFM Exam, but you must be a member of TFMA to take the exam. Membership is currently \$30.00.

If you have any questions, please call Roy D. Sedwick, CFM at (512) 473-3200 x 2805.

Questions about the agenda and conference program?

Call Diane Calhoun, CFM at (817) 847-1422 x 130

Questions about your TFMA membership status?

Call Penny Goode, CFM at (979) 864-1295

Questions about the TFMA Exam or TFMA CFM Program?

Call Janine E. Ellington, NCFM at (830) 608-2090

DON'T DELAY! SEND IN YOUR PRE-REGISTRATION FORM TODAY TO RESERVE YOUR SEAT AT THIS HIGHLY INFORMATIVE CONFERENCE. DRIVE SAFE & ARRIVE ALIVE!

SCHEDULE AND OTHER INFORMATION

The main conference is scheduled to **start on Wednesday, May 16, 2001 at 1:00 PM** and will conclude at Noon on Friday, May 18th. In response to requests for additional training opportunities, TFMA has scheduled a special one-day workshop entitled "Managing Floodplain Development". The workshop will start on Tuesday, May 15, 2001 at 1:00 pm and will close at 5:00 pm. It will continue the next morning from 8:00 am until 12:00 Noon. For more information, see Special Training below. Registration will begin at 11:30 am on Tuesday, May 15th and conclude at start of the training workshop. Registration will begin again at 8:00 am Wednesday morning and conclude at the start of the main conference.

SPECIAL TRAINING WORKSHOP

To offer additional training opportunities, the Texas Flood Conference will feature an early bird 1-day workshop with intensive instruction on how to manage floodplain development through the National Flood Insurance Program. This is not your typical Floodplain Management 101 course, instead it is a highly condensed version of FEMA's main 4 1/2-day training course "Managing Floodplain Development Through the NFIP". The instructor for the workshop is Diane Calhoun, CFM, a Floodplain Program Manager with Halff Associates, Inc. located in Fort Worth, Texas. Many of you know Diane, she is a long time member and supporter of TFMA and spent over 30 years working with the NFIP under FEMA in Region VI. She is well qualified and always makes her workshops spirited and highly informative. You will receive a nice workshop notebook as part of the training, which will serve as a handy reference guide back home. To cover costs of the notebook and additional expenses, there is an extra fee of \$35.00 for the early bird workshop.

TFMA CERTIFIED FLOODPLAIN MANAGER EXAM

At the conclusion of the conference, the Texas Floodplain Management Association will offer the Texas National Certification Exam for those interested in pursuing professional certification as a Nationally Accredited "Certified Floodplain Manager". The exam period will start at 12:30 p.m. on Friday, May 18 and will conclude at 4:00 p.m. **There is no fee to take the exam, however you must be a current member of TFMA (\$30) and must pre-register for the exam.**

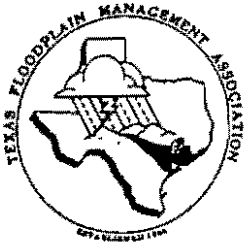
CONFERENCE AGENDA

Tuesday - May 15, 2001

11:30 am - 1:00 pm - CONFERENCE REGISTRATION
1:00 pm - 5:00 pm - EARLY BIRD TRAINING WORKSHOP
"MANAGING FLOODPLAIN DEVELOPMENT"
8:00 pm - 10:30 pm - ICE BREAKER SOCIAL

Wednesday - May 16, 2001

8:00 am - 1:00 pm - CONFERENCE REGISTRATION
8:00 am - 12:00 Noon - CONTINUATION OF EARLY BIRD WORKSHOP
1:00 pm - 5:00 pm - TFMA TEXAS FLOOD CONFERENCE
Welcome & Introductions
Four Topical Presentations
5:30 pm - 7:00 pm - TFMA BOARD MEETING



TEXAS FLOODPLAIN MANAGEMENT ASSOCIATION

MEMO TO: Members of Texas Floodplain Management Association
Local Elected Officials, City Managers, Floodplain Administrators,
Emergency Management Coordinators, Building Officials, and
others interested in Floodplain Management & Hazard Mitigation

FROM: Roy D. Sedwick, CFM
TFMA Executive Director

A handwritten signature in black ink, appearing to read "Roy", is written over the printed name of Roy D. Sedwick.

SUBJECT: TFMA's 12th Annual Texas Flood Conference

It is with great pleasure that I announce on behalf of the Texas Floodplain Management Association the scheduling of TFMA's Annual Texas Flood Conference:

Texas Floodplain Management Association's 12th Annual Texas Flood Conference
"PREPARE - RESPOND - RECOVER - MITIGATE"

May 15-18, 2001

Fredericksburg Inn & Suites
Fredericksburg, Texas

CONFERENCE LOCATION

This year's conference will be held in beautiful Fredericksburg, Texas in the heart of the Texas Hill Country. Fredericksburg is a quaint, but bustling German community and is now one of the top tourist attractions for antiques, shopping, dining and wine tasting, and sampling good old fashion Tex/German hospitality. Bring your family and enjoy the beautiful hill country wildflowers.

HOTEL RESERVATION INFORMATION

Our Conference hotel is the beautiful Fredericksburg Inn & Suites located on U.S. Highway 87 South, just one block off of the Historic Main Street. This new property, on the banks of Town Creek, has a great conference facility and meeting room, a pool and hot tub, and offers a continental breakfast in an old renovated German Sunday House which has been incorporated into the hotel. We have negotiated a special room rate of \$69.00 (plus 13% tax) for either a King or 2-Queen bedroom. To make your reservations, call the Fredericksburg Inn & Suites at 1-800-446-0202. When making reservations, you must identify that you are with the TFMA Texas Flood Conference to receive these special rates. If you are tax exempt, and wish to exercise this option, notify the hotel at time of reservation and be prepared to present your tax exempt status certificate at check-in. **The cut off date for room reservations is May 1, 2001.** NOTE: You are responsible for making your hotel reservations and for the payment of your hotel expenses.



TEXAS FLOODPLAIN MANAGEMENT ASSOCIATION

APPLICATION FOR MEMBERSHIP

2001

NAME: _____

TITLE: _____

EMPLOYER/AGENCY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

WORK PHONE: _____ EXT.: _____

FAX: _____ HOME (OPT) _____

EMAIL: _____

YEARS OF EXPERIENCE: _____

MEMBERSHIP CLASS
(Please Check One)

- | | | |
|--------------------------|----------------------|---------|
| <input type="checkbox"/> | FULL MEMBERSHIP | \$30 |
| <input type="checkbox"/> | STUDENT MEMBERSHIP | \$10 |
| <input type="checkbox"/> | FEDERAL/STATE AGENCY | \$0* |
| <input type="checkbox"/> | CORPORATE SPONSOR | \$150** |

(*Associate Memberships are decided on a case by case basis for Federal Agencies and do not include voting rights or Committee/Board privileges)

(**NOTE: Corporate Sponsor Entitles Company/Agency to One Full Membership)

Type of Membership (Check One): New Renewal

Are you interested in serving as a Regional Director?: Yes No

Are you interested in becoming a member of TFMA's Mutual Aid Training Force?: Yes No

Certification: Texas National

MAIL COMPLETED APPLICATION AND MEMBERSHIP FEE BY MARCH 1, 2001 TO:

Penny Goode, CFM
TFMA Treasurer
C Brazoria County
200 East Locust, Suite 8
Angleton, Texas 77515
(979) 864-1295 FAX (979)864-1003

TFMA COMMITTEES

A number of committees have now been formed and are currently working on behalf of TFMA to plan for the future and to continually improve our service to our members. If you are not on a committee and wish to serve TFMA, please contact Cathy Meek at (281) 565-0527. She can give you a list of committees with committee chairs and contacts.

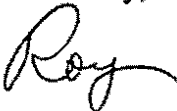
BLUE RIBBON COMMITTEE

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I look forward to seeing you at the annual conference, if not, then stay safe, healthy and employed till the next time we meet.

Sincerely,



Roy D. Sedwick, CFM
TFMA Executive Director

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As previously stated, the TFMA Certified Floodplain Manager Program has grown beyond our wildest dreams. As of February, 2001, we now have 304 Certified Floodplain Managers, of which, 52 are now Nationally Certified. What a success! And the program continues to grow with many more in the process of completing the application after successfully passing the exam. To become one of "The Few The Proud The Nationally Certified", you must be a member of the TFMA, must pass the Texas National CFM Exam, and have two years of professional experience. TFMA will waive one year of the experience requirement in recognition of special training or education. More details about the CFM Program will be found on the web site.

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TEXAS FLOODPLAIN MANAGEMENT ASSOCIATION

FROM THE DESK OF: ROY D. SEDWICK, CFM
TFMA EXECUTIVE DIRECTOR

Where did this year go? It seems only yesterday that we were counting down the minutes to the start of 2000 and many were anxious about possible Y2K problems. Yet, here we are today in February, 2001 looking back at a year that was greatly anticipated by the worlds populous, and surprise, the world didn't end, computers didn't crash, and life as we know it goes on for most of us.

Year 2000 was a fantastic year for the Texas Floodplain Management Association and it's family of dedicated members. Our membership continued to grow and to reach out to many more of the "fringe" professional groups. The TFMA "Certified Floodplain Manager" Program has grown beyond our wildest dreams, we sponsored the ASFPM 2000 National Conference in Austin, Texas and we continued to build successful partnerships to take TFMA into 2001 and beyond.

There were a number of events in 2000 that impacted the lives of TFMA members. Several members retired, several moved on to better jobs and a few passed on to a better life. The death of my wife, Barbara A. Sedwick in September certainly changed my life, but the outpouring of prayers, cards, calls, e-mails and flowers showed me that TFMA members really are an extended family and we all care about and support each other, especially in times of great need. For this, I am eternally grateful and I thank everyone for your personal support and expression of sympathy.

As for the weather and floods, well it was typical for Texas, first wet, then dry and then wet again. Drought across the state took its toll in agriculture, wildfires and disruption of water supplies. Floods were not as drastic in 2000 and there were no Presidential Disaster Declarations for flooding, but localized flooding did make an impact in some parts of the state. Preliminary data from the National Weather Service indicates that 412 flood events affected the lives of Texans across the state. Eight persons lost their lives and 12 were injured in these floods. Damage estimates put property losses at \$28.6 million. So even in a relative slow flood year, flooding still took its toll on Texas.

And now, let me comment on several items of interest to TFMA and to set the stage for a Great 2001!

TFMA MEMBERSHIP

Our membership continues to grow and to reach new groups and professions. At the end of December, 2000, we had 449 members on the TFMA roster. Of course, we have the potential to grow way beyond our current membership level. We are in the membership renewal stage now, so if you haven't renewed, please do so now. A membership form is attached. Share it with a friend. If you need to check on your membership status, please call Penny Goode, CFM at (979) 864-1295.



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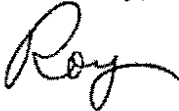
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Sincerely,



Roy D. Sedwick, CFM
TFMA Executive Director



TEXAS FLOODPLAIN MANAGEMENT ASSOCIATION

APPLICATION FOR MEMBERSHIP

2001

NAME: _____

TITLE: _____

EMPLOYER/AGENCY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

WORK PHONE: _____ EXT.: _____

FAX: _____ HOME (OPT) _____

EMAIL: _____

YEARS OF EXPERIENCE: _____

MEMBERSHIP CLASS

(Please Check One)

- FULL MEMBERSHIP \$30
- STUDENT MEMBERSHIP \$10
- FEDERAL/STATE AGENCY \$0*
- CORPORATE SPONSOR \$150**

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- Type of Membership (Check One): New Renewal
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- Certification: Texas National

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Penry Goode, CFM
TFMA Treasurer
C Brazoria County
200 East Locust, Suite 8
Angleton, Texas 77515
(979) 864-1295 FAX (979)864-1003



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This year's conference will be held in beautiful Fredericksburg, Texas in the heart of the Texas Hill Country. Fredericksburg is a quaint, but bustling German community and is now one of the top tourist attractions for antiques, shopping, dining and wine tasting, and sampling good old fashion Tex/German hospitality. Bring your family and enjoy the beautiful hill country wildflowers.

HOTEL RESERVATION INFORMATION

Our Conference hotel is the beautiful Fredericksburg Inn & Suites located on U.S. Highway 87 South, just one block off of the Historic Main Street. This new property, on the banks of Town Creek, has a great conference facility and meeting room, a pool and hot tub, and offers a continental breakfast in an old renovated German Sunday House which has been incorporated into the hotel. We have negotiated a special room rate of \$69.00 (plus 13% tax) for either a King or 2-Queen bedroom. To make your reservations, call the Fredericksburg Inn & Suites at 1-800-446-0202. When making reservations, you must identify that you are with the TFMA Texas Flood Conference to receive these special rates. If you are tax exempt, and wish to exercise this option, notify the hotel at time of reservation and be prepared to present your tax exempt status certificate at check-in. **The cut off date for room reservations is May 1, 2001.** NOTE: You are responsible for making your hotel reservations and for the payment of your hotel expenses.

SCHEDULE AND OTHER INFORMATION

The main conference is scheduled to start on **Wednesday, May 16, 2001 at 1:00 PM** and will conclude at Noon on Friday, May 18th. In response to requests for additional training opportunities, TFMA has scheduled a special one-day workshop entitled "Managing Floodplain Development". The workshop will start on Tuesday, May 15, 2001 at 1:00 pm and will close at 5:00 pm. It will continue the next morning from 8:00 am until 12:00 Noon. For more information, see Special Training below. Registration will begin at 11:30 am on Tuesday, May 15th and conclude at start of the training workshop. Registration will begin again at 8:00 am Wednesday morning and conclude at the start of the main conference.

SPECIAL TRAINING WORKSHOP

To offer additional training opportunities, the Texas Flood Conference will feature an early bird 1-day workshop with intensive instruction on how to manage floodplain development through the National Flood Insurance Program. This is not your typical Floodplain Management 101 course, instead it is a highly condensed version of FEMA's main 4 1/2-day training course "Managing Floodplain Development Through the NFIP". The instructor for the workshop is Diane Calhoun, CFM, a Floodplain Program Manager with Halff Associates, Inc. located in Fort Worth, Texas. Many of you know Diane, she is a long time member and supporter of TFMA and spent over 30 years working with the NFIP under FEMA in Region VI. She is well qualified and always makes her workshops spirited and highly informative. You will receive a nice workshop notebook as part of the training, which will serve as a handy reference guide back home. To cover costs of the notebook and additional expenses, there is an extra fee of \$35.00 for the early bird workshop.

TFMA CERTIFIED FLOODPLAIN MANAGER EXAM

At the conclusion of the conference, the Texas Floodplain Management Association will offer the Texas National Certification Exam for those interested in pursuing professional certification as a Nationally Accredited "Certified Floodplain Manager". The exam period will start at 12:30 p.m. on Friday, May 18 and will conclude at 4:00 p.m. **There is no fee to take the exam, however you must be a current member of TFMA (\$30) and must pre-register for the exam.**

CONFERENCE AGENDA

Tuesday - May 15, 2001

11:30 am - 1:00 pm - CONFERENCE REGISTRATION
1:00 pm - 5:00 pm - EARLY BIRD TRAINING WORKSHOP
"MANAGING FLOODPLAIN DEVELOPMENT"
8:00 pm - 10:30 pm - ICE BREAKER SOCIAL

Wednesday - May 16, 2001

8:00 am - 1:00 pm - CONFERENCE REGISTRATION
8:00 am - 12:00 Noon - CONTINUATION OF EARLY BIRD WORKSHOP
1:00 pm - 5:00 pm - TFMA TEXAS FLOOD CONFERENCE
Welcome & Introductions
Four Topical Presentations
5:30 pm - 7:00 pm - TFMA BOARD MEETING

Thursday - May 17, 2001

7:30 am - 8:00 am - CONFERENCE REGISTRATION
8:00 am - 11:30 am - TEXAS FLOOD CONFERENCE CONTINUES
Four Topical Presentations
11:30 am - 1:00 pm - LUNCH - WITH SPECIAL GUEST SPEAKER
1:00 pm - 4:00 pm - CONFERENCE CONTINUES
Five Topical Presentations
4:00 pm - 5:00 pm - TFMA COMMITTEE MEETINGS
6:00 pm - 10:00 pm - TFMA BANQUET
TFMA Business Meeting
Election of Officers
Reports from Regional Directors & Committees
Social

Friday - May 18, 2001

8:00 am - 10:15 pm - THREE CONCURRENT TRAINING SESSIONS
10:30 am - 11:30 am - PANEL OF EXPERTS
12:30 pm - 4:00 pm - TFMA TEXAS NATIONAL CFM EXAM

PRE-REGISTRATION

To help TFMA plan for this event, we have developed a Conference Pre-Registration Form to determine the number of persons attending and their preferences on attending the Early Bird workshop and taking the Texas National CFM Exam. Please complete the form and return to Roy D. Sedwick, CFM at Fax (512) 473-3539. When a completed form is received, those attending the conference will receive a Conference Registration Packet containing a Registration Form with payment of fees, a map locator, a complete agenda and other information.

REGISTRATION FEES

TFMA is still finalizing the costs of catering and other special functions, but for budget purposes you can estimate registration fees for the conference to range from \$100 to \$125 for TFMA members. There will be an addition fee of \$35 per person if you wish to attend the Early Bird Training Workshop. There is no fee to take the TFMA CFM Exam, but you must be a member of TFMA to take the exam. Membership is currently \$30.00.

If you have any questions, please call Roy D. Sedwick, CFM at (512) 473-3200 x 2805.

Questions about the agenda and conference program?

Call Diane Calhoun, CFM at (817) 847-1422 x 130

Questions about your TFMA membership status?

Call Penny Goode, CFM at (979) 864-1295

Questions about the TFMA Exam or TFMA CFM Program?

Call Janine E. Ellington, NCFM at (830) 608-2090

DON'T DELAY! SEND IN YOUR PRE-REGISTRATION FORM TODAY TO RESERVE YOUR SEAT AT THIS HIGHLY INFORMATIVE CONFERENCE. DRIVE SAFE & ARRIVE ALIVE!



TEXAS FLOODPLAIN MANAGEMENT ASSOCIATION

ANNUAL TEXAS FLOOD CONFERENCE

AND TRAINING WORKSHOP

MAY 15-18, 2001

FREDERICKSBURG, TEXAS

PRE-REGISTRATION FORM

NAME: _____

TITLE: _____

EMPLOYER: _____

ADDRESS: _____

CITY: _____, TEXAS ZIP: _____

TELEPHONE: () _____ FAX: () _____

E-MAIL ADDRESS: _____

PLEASE INDICATE YOUR INTENTIONS:

NO - I WILL NOT ATTEND THIS YEAR, BUT KEEP ME ON THE LIST FOR FUTURE TRAINING OPPORTUNITIES.

YES - I WILL ATTEND THIS YEAR. PLEASE SEND A CONFERENCE REGISTRATION PACKET.

PRE-CONFERENCE TRAINING SESSION - MAY 15-16, 2001

"MANAGING FLOODPLAIN DEVELOPMENT" - 8 HR. COURSE - \$35.00 EXTRA FEE

NO - I WILL NOT REGISTER FOR THE EXTRA TRAINING SESSION.

YES - I WANT TO REGISTER FOR THE EXTRA TRAINING SESSION.

TFMA TEXAS NATIONAL CERTIFICATION EXAM - FRIDAY, MAY 18, 2001

NO - I DO NOT PLAN ON TAKING THE EXAM.

YES - I WISH TO PRE-REGISTER FOR THE EXAM.

Please complete this form and fax to Roy D. Sedwick, c/o LCRA at (512) 473-3539. If you wish, you may mail form to Roy D. Sedwick, CFM, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767-0220. When a completed form is received, you will be mailed a Conference Registration Packet containing a locator map, conference agenda, a conference registration form with payment of fees, and other information. You must be a member of the TFMA before you can take the TFMA Texas National Certification Exam.

If you have any questions, please call Roy Sedwick at (512) 473-3200 x 2805.

March 20, 2001

To: Jim Pierce, Assistant Director of Public Works

From: Steve Chutchian, Assistant City Engineer

Cc: Mike Murphy, Director of Public Works

Re: FEMA Correspondence, dated February 23, 2001

We have numerous copies of flood insurance maps, dated 1980 that have been distributed to people upon request. In addition, we have a "preliminary" set of maps, with a date of July 30, 1999 (as shown on the attachment). I cannot verify that the 1999 version is the same as those mentioned in the February 23, 2001 letter from FEMA. However, I believe that they are the same maps. New revisions will be sent to the Town of Addison in mid-April, and we will have only 5 days to review and comment on the latest version of the maps.

Apparently, FEMA disallowed a map revision on Lot 2, The Wood Addition (14816 Winnwood Dr.). This is the only action that FEMA addresses in their correspondence.

FEMA also recommends that we reconsider joining the National Flood Insurance Program (NFIP). At this time, we are not leaning toward joining the program.

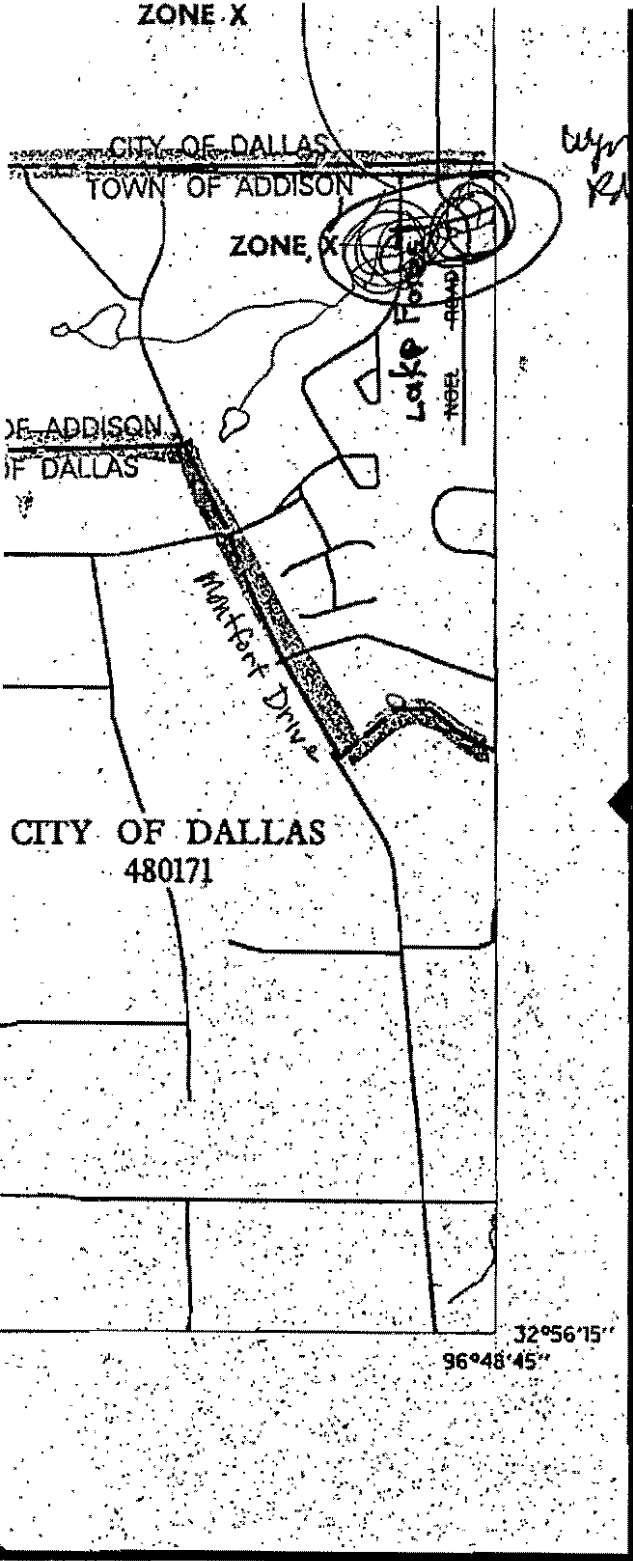
Recommendation:

1. Review the latest map revisions for accuracy within the allotted review period, and comment **if necessary**.
2. Obtain digital files and paper copies when the latest revisions go into effect (August 2001).
3. After the final revisions come out, initiate new discussions with staff and Town Council next fall regarding joining the NFIP.



Steve Chutchian

ZONE X



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
DALLAS COUNTY,
TEXAS AND
INCORPORATED AREAS

PANEL 180 OF 725
(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS: COMMUNITY	NUMBER	PANEL	SUFFIX
ADDISON, TOWN OF	481089	0180	J
CARROLLTON, CITY OF	480187	0180	J
DALLAS, CITY OF	480171	0180	J
FARMERS BRANCH, CITY OF	480174	0180	J
DALLAS COUNTY, UNINCORPORATED AREAS	480185	0180	J

MAP NUMBER
48113C0180 J

EFFECTIVE DATE:

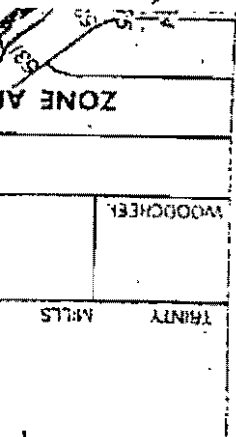
PRELIMINARY

MICHAEL BAKER, JR., INC.

JUL 30 1999



Federal Emergency Management Agency





Feder

*J.P.
I would like for
you and Steve to
look over the attached
think nil*

anagi
0472

*Steve for
your review
& comments. I
don't think we have
the maps, do you?
Jim*

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

BY REPLY R
19NP-N

February 23, 2001

The Honorable R. Scott Wheeler
Mayor, Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

Community:
Community N
Map Panels A

Dear Mayor Wheeler:

On September 7, 2000, the Federal Emergency Management Agency (FEMA) provided your community with revised Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Dallas County, Texas and Incorporated Areas for your review and comment. FEMA prepared the updated FIRM directly from the effective FIRMs for your community and other communities in Dallas County using a process that involves capturing data in a digital (computer-readable) format and plotting map panels using a specialized computer technology. The effective FIRMs identified the Special Flood Hazard Areas (SFHAs), areas that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), for your community and other communities in Dallas County. We have incorporated all essential information from the previously effective FIRMs, including Base Flood Elevations (BFEs).

Several comments were submitted from various communities regarding the Preliminary and Revised Preliminary FIRMs. Therefore, our Map Coordination Contractor will send you a Proof Copy of the final FIRM in mid-April for your review prior to the scheduled effective date of August 23, 2001. The formal appeal period is over. Appeals have been resolved as appropriate and the new FIRMs are essentially finalized. Only major floodplain delineation changes can be accepted at this time. Due to the time constraints involved, we will accept changes during a 5-day review period following initial receipt of the Proof Copy FIRM. Approximately three weeks before the effective date, FEMA will send you the final printed copies of the FIRM and FIS report.

When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. Copies of the digital files may be obtained by calling our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

To date, your community has not joined the National Flood Insurance Program (NFIP). As a result, the economic consequences of Sections 201(d) and 202 of the Flood Disaster Protection Act of 1973 (Public

Law 93-234) may apply. Questions 9, 10, and 18 of the enclosed brochure, entitled *Answers to Questions About The National Flood Insurance Program*, discuss those provisions of the 1973 Act.

The FIRM provides the basis for actuarial premium rates for flood insurance policies. These rates reflect the degree of exposure of property to flood risks. Actuarial flood insurance rates will be charged for all new construction started in identified SFHAs after the effective date of the FIRM. The actuarial flood insurance rates would increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. Conversely, building at a higher elevation can greatly reduce the cost of flood insurance. Hence, any structures not elevated above the established BFEs are exposed to greater flood hazard than if they were properly elevated. In the event that flood insurance becomes available in your community at some future date, the applicable premium rate for flood insurance for such new structures could be prohibitive. Because flood insurance is required for most types of mortgages for homes located in the floodplain, the high flood insurance premiums would likely represent a hardship for those purchasing flood insurance. The 1973 Act requires that no Federal financial assistance, such as loans, grants, insurance, guarantees, or disaster assistance, for flood-caused damage will be available for acquisition or construction of buildings within SFHAs identified for a community.

In view of the above, your community should consider adopting the minimum standards required to join the Regular Phase of the NFIP. The minimum standards that your community must adopt in a legally enforceable document are contained in Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.). Because there are a number of ways to adopt the required floodplain management measures to join the NFIP, we urge you to contact the FEMA Regional Office, at the telephone number cited below, for assistance.

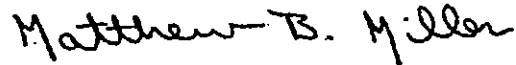
To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

FEMA makes flood insurance available in participating communities; in addition, we encourage communities to develop their own loss reduction and prevention programs. Through the *Project Impact: Building Disaster Resistant Communities* initiative, launched by FEMA in 1997, we seek to focus the energy of businesses, citizens, and communities in the United States on the importance of reducing their susceptibility to the impact of all natural disasters, including floods, hurricanes, severe storms, earthquakes, and wildfires. Natural hazard mitigation is most effective when it is planned for and implemented at the local level, by the entities who are most knowledgeable of local conditions and whose economic stability and safety are at stake. For your information, we are enclosing a copy of a pamphlet describing this nationwide initiative. For additional information on *Project Impact*, please visit our website at www.fema.gov/impact.

3

Because there are a number of ways your community may adopt the floodplain management measures required to join the NFIP, we urge you to call the Director, Mitigation Division of FEMA in Denton, Texas, at (940) 898-5127 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Matthew B. Miller, P. E., Chief
Hazards Study Branch
Mitigation Directorate

List of Enclosures:

- “National Flood Insurance Program Elevation Certificate and Instructions”
- “Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing Structures”
- “Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map Construction”
- “Use of Flood Insurance Study (FIS) Data as Available Data”
- “National Flood Insurance Program Regulations”
- “Project Impact: Building A Disaster Resistant Community”
- “Answers to Questions About the National Flood Insurance Program”
- “Summary of Map Actions”

cc: Community Map Repository

Mr. John Baumgartner
Floodplain Administrator
Town of Addison

FINAL SUMMARY OF MAP ACTIONS

Community: ADDISON, TOWN OF

Community No.: 481089

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on 08/23/2001.

1. LOMRs and LOMAs Incorporated

The modifications effected by the LOMRs and LOMAs listed below will be reflected on the revised FIRM. However, these LOMRs and LOMAs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMRs and LOMAs Not Incorporated

The modifications effected by the LOMRs and LOMAs listed below will not be reflected on the revised FIRM because of scale limitations or because the LOMR or LOMA issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMRs and LOMAs will remain in effect until the revised FIRM becomes effective. These LOMRs and LOMAs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single letter that reaffirms the validity of the previous LOMC.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	98-06-1948A	03/25/1999	THE WOODS, LOT 2 - 14818 WINNWOOD RD.	4810890030D	48113C0185J

3. LOMRs and LOMAs Superseded

The modifications effected by the LOMRs and LOMAs listed below will not be reflected on the final revised FIRM because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMRs and LOMAs will no longer be in effect when the revised FIRM becomes effective.

FINAL SUMMARY OF MAP ACTIONS

Community: ADDISON, TOWN OF

Community No.: 481089

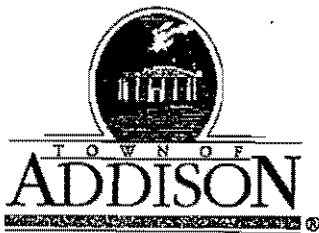
LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will Be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMRs and LOMAs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. We will review the data previously submitted for the LOMR or LOMA requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		



PUBLIC WORKS DEPARTMENT

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

January 24, 2001

Mr. David Hiegel
Mitigation Division
Federal Emergency Management Agency
800 North Loop 288
Denton, Texas 76201-3698

Re: National Flood Insurance Program
Town of Addison Ordinance No. 001-005

Dear Mr. Hiegel:

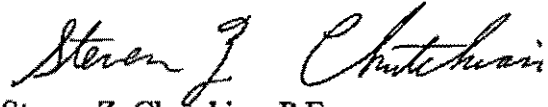
In accordance with the requirements set forth in House Bill No. 1018, the Town of Addison has worked with your office to develop an ordinance that is necessary for our municipality to be eligible to participate in the National Flood Insurance Program. Attached for your review are the following documents:

- a. Town of Addison Ordinance No. 001-005, which amends Chapter 42 of our existing Code of Ordinances in order to ensure eligibility for participation in the National Flood Insurance Program.
- b. A letter from the City Secretary of the Town of Addison certifying that the attached copy of Ordinance No. 001-005 is a true and correct copy, and was passed on January 9th, 2001.

It is the intention of the Town of Addison to comply with the stated requirements of House Bill No. 1018. However, our municipality is not prepared at this time to adopt a resolution that is necessary for entrance into the National Flood Insurance Program.

The Town of Addison respectfully requests your consideration and formal concurrence with this submitted ordinance. Should you have any questions, please call me at 972-450-2886.

Sincerely,

A handwritten signature in cursive script that reads "Steven Z. Chutchian".

Steven Z. Chutchian, P.E.
Assistant City Engineer

Cc: Chris Terry, Assistant City Manager
Mike Murphy, Director of Public Works
Jim Pierce, Assistance Director of Public Works

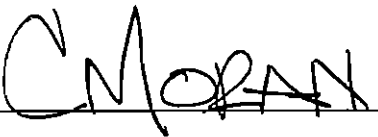


Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road (972) 450-7000
FAX (972) 450-7043

TO WHOM IT MAY CONCERN

Please be advised that the attached document is a true and correct copy of Ordinance No. 001-005, duly passed by the Addison City Council on the 9th day of January, 2001.

Duly certified by Carmen Moran, City Secretary for the Town of Addison on the 22nd day of January, 2001.



City Secretary

ATTEST:

SEAL



Federal Emergency Management Agency

Region VI
Federal Regional Center
800 North Loop 288
Denton, TX 76201-3698

Instructions For Making Application To Participate In The National Flood Insurance Program

- Complete the attached FEMA Form 81-64, Application for Participating in the National Flood Insurance Program.
- Adopt and certify to enact and enforce a floodplain management program that is consistent with the criteria set forth in Section 60 of the National Flood Insurance Program Regulations. Sample Resolution in accordance with Section 59.21 is attached.
- Adopt and certify a legal and enforceable Ordinance or Court Order which meets or exceeds the minimum standard criteria as stated in Section 60.3 of the National Flood Insurance Program Regulations. The attached sample ordinance may be adopted verbatim to satisfy this requirement.
- Mail Original and One Copy (both certified) Of The Completed Documents To :

~~Ms. Shari Brand~~ → DAVID HIEGEL
Natural Hazards Program Specialist
Mitigation Division
Federal Emergency Management Agency
800 North Loop 288
Denton, Texas 76201-3698

940-898-5405
✓

- Maintain one copy of the completed application, resolution, and ordinance for your records.

5405
DALE HOFF
940-898-5225

MITIGATION DIVISION
940-898-5399

FEDERAL EMERGENCY MANAGEMENT AGENCY
**APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD
 INSURANCE PROGRAM**

See the reverse for
 Paperwork Burden
 Disclosure Notice

O.M.B. NO. 3067-0020
 Expires December 31, 1995

1. APPLICATION (City, town, etc.)

DATE

COUNTY, STATE

2. COMMUNITY OFFICIAL AND OFFICE OR AGENCY WITH OVERALL RESPONSIBILITY

TELEPHONE NO. (Include area
 code)

ADDRESS (Street or box no., city, state, zip code)

3. PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing
 program)

TELEPHONE NO. (Include area
 code)

ADDRESS (Street or box no., city, state, zip code)

4. FIRST FLOOR ELEVATION INFORMATION WILL BE RECORDED BY:

TELEPHONE NO. (Include area
 code)

ADDRESS (Street or box no., city, state, zip code)

5. LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF FIA MAPS

ADDRESS

6. ESTIMATES FOR ONLY THOSE AREAS SUBJECT TO FLOOD AND/OR MUDSLIDE AS KNOWN AT THE TIME OF APPLICATION

AREA	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

7. ESTIMATES OF TOTALS IN ENTIRE COMMUNITY

	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 4 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472; and to the Office of Management and Budget, Paperwork Reduction Project (3067-0020), Washington, DC 20503.

FEDERAL EMERGENCY MANAGEMENT AGENCY
**APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD
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COUNTY, STATE

2. COMMUNITY OFFICIAL AND OFFICE OR AGENCY WITH OVERALL RESPONSIBILITY

TELEPHONE NO. (Include area
 code)

ADDRESS (Street or box no., city, state, zip code)

3. PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing
 program)

TELEPHONE NO. (Include area
 code)

ADDRESS (Street or box no., city, state, zip code)

4. FIRST FLOOR ELEVATION INFORMATION WILL BE RECORDED BY:

TELEPHONE NO. (Include area
 code)

ADDRESS (Street or box no., city, state, zip code)

5. LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF FIA MAPS

ADDRESS

6. ESTIMATES FOR ONLY THOSE AREAS SUBJECT TO FLOOD AND/OR MUDSLIDE AS KNOWN AT THE TIME OF APPLICATION

AREA	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

7. ESTIMATES OF TOTALS IN ENTIRE COMMUNITY

	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 4 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472; and to the Office of Management and Budget, Paperwork Reduction Project (3067-0020), Washington, DC 20503.

RESOLUTION

WHEREAS, certain areas of _____, are subject to periodic flooding, causing serious damages to properties within these areas; and

WHEREAS, it is the intent of this Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to

(State Statute)

NOW, THEREFORE, BE IT RESOLVED, that this Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force, in these areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program regulations; and
2. Vests _____ with the responsibility, authority and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood hazards.
 - (b) Provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request.
 - (c) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new construction or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - (d) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide

(i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

- (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FFBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
- (f) Submit an annual report to the Administrator concerning the community's participation in the Program, including, but not limited to the development and implementation of floodplain management measures.

3. Appoints _____ (designate agency or official) with the responsibility, authority, and means to implement the commitments as outlined in this resolution.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the adopted floodplain management measures.

APPROVED: _____
(Mayor or County Judge)

DATE PASSED: _____

CERTIFICATION

I, the undersigned, _____, do hereby certify that the above is a true and correct copy a Resolution duly passed by _____, at a regular meeting duly convened on _____.

(Secretary or responsible person)

SUGGESTED WORDING FOR PENALTY CLAUSE

In accordance with Section 59.2(b) of CER 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."

In accordance with Section 60.1(b) of CER 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

THEREFORE: The following is suggested wording for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ or imprisoned for not more than days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the (community) from taking such other lawful action as is necessary to prevent or remedy any violation.

FAX TRANSMITTAL

of pages > ONE

To	From
STEVE CHUTCHIAN	DAVID HIEGEL
Dept./Agency	Phone #
	940 8985405
Fax #	Fax #
972 4502837	
GENERAL SERVICES ADMINISTRATION	

H.B. No. 1018

AN ACT

relating to participation of cities and counties in the National Flood Insurance Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 16, Water Code, is amended by adding Section 16.3145 to read as follows:

Sec. 16.3145. NATIONAL FLOOD INSURANCE PROGRAM ORDERS OR ORDINANCES. The governing body of each city and county shall adopt ordinances or orders, as appropriate, necessary for the city or county to be eligible to participate in the National Flood Insurance Program.

SECTION 2. The governing body of each city and county shall adopt ordinances or orders, as appropriate, necessary for the city or county to be eligible to participate in the National Flood Insurance Program as required by Section 16.3145, Water Code, as added by this Act, not later than January 1, 2001.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

President of the Senate

Speaker of the House

I certify that H.B. No. 1018 was passed by the House on April 7, 1999, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1018 was passed by the Senate on May 24, 1999, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

#3-5, 1 CADRE IN TOWN
WAS TO BE REVENUED

Addison!

DECLARED
AS A
AREA

STEVEN Z. CHUTCHIAN, P.E.
Assistant City Engineer
(972) 450-2886
(972) 450-2837 FAX
(214) 673-2518 Mobile
schutchian@ci.addison.tx.us E-mail

Loss of Life
Town of Addison 16801 Westgrove Dr. P.O. Box 9010, Addison, Texas 75001-9010

~~SHANE~~ ~~WABELL~~ - ACTION OFFICE

WHAT HAPPENS IF THE CITY DOES NOT
ELECT TO PARTICIPATE IN THE
F.I.P.?

WHAT IS LEVEL OF CATASTROPHAL

JAMES MIRABAL w/ TRBCC or MIKE HULAND
512-239-4771 JAMES # 655

NO PENALTIES - STATE ATTORNEY GENERAL
WILLING TO
ACT

CITIZENS MAY NOT GET
FEDERAL
DISASTER
RELIEF
FUNDS
CITIZENS DON'T
GET FLOOD INSURANCE
IN FLOOD PLAN
AREAS
OR WATER
DRAINAGE OR WATER MAIN BREAKS!

FAX TRANSMITTAL

of pages **ONE**

To STEVE CHITCHIAN	From DAVID HIEGEL
Dept./Agency	Phone # 940 898 5405
Fax # 972 450 2837	Fax #
GENERAL SERVICES ADMINISTRATION	

H.B. No. 1018

AN ACT

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APPROVED: _____

Date

Governor

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
586	11/17 11:22AM	0'49"	Cowles & Thompson	Send.....	2/ 2	EC144	Completed.....
Total		0'49"	Pages Sent: 2	Pages Printed: 0			

TOWN OF
ADDISON

PUBLIC WORKS

To: Ken Dippel

From: Jim Pierce, P.E.
Asst. Public Wks. Dir.
Phone: 972/450-2879
FAX: 972/450-2837
jpierce@ct.addison.tx.us

Company: Cowles & Thompson

FAX #: 214-672-2020

Date: 11-17-00

16801 Westgrove
P.O.Box 9010
Addison, TX 75001-9010

of pages (including cover): 2

Re: National Flood Insurance Program

Original in mail Per your request FYI Call me

Comments: Copy of H.B. No 1018
regarding the above, FYI

Jim

cc Mike Murphy
Steve Clutcher

Memo

December 14, 2000

To: Mike Murphy, Director of Public Works

From: Steve Chutchian, Assistant City Engineer

Cc: Jim Pierce, Assistant Director of Public Works
Jim Wilson, Project Manager

Re: National Flood Insurance Program
T.N.R.C.C.

Contact Person: Mr. James Mirabal
Water Quality Division, Floodplain Management
T.N.R.C.C. - 1-512-239-4771

Q: What happens to the Town of Addison if it does **not** participate in the National Flood Insurance Program (NFIP)?

Response: House Bill No. 1018 did not provide **any** means of enforcement or penalties for failing to enter the program. The State of Texas Attorney General has been contacted by the TNRCC regarding this issue. No determination or course of action against dissenting municipalities has been established to date. It is the **intent** of the bill to direct each city toward joining the program.

Q: What level of severity must be reached in order for a municipality or county to be eligible for disaster relief funds?

Response: At this time, no criteria exist for determining when a region will be declared a disaster area. Each event is currently considered individually. (i.e., a tornado recently destroyed a large portion of the City of Jarrel, Texas. Unfortunately, the area was not eligible for disaster relief because it was determined that the tornado carried off most of the damaged material and the resulting clean up was minimal. Loss of life is not considered in disaster relief determinations. The need for legislation is being considered at this time, which will change the format for declaring a region eligible for disaster relief. Under a possible scenario, a level of \$3-\$5 per capita in the municipality or region must be reached in order to be considered.

Q: What happens to the citizens and property owners if the Town of Addison does not participate in the NFIP?

Response: If the Town of Addison is included in the NFIP, property owners located in floodplain areas are eligible for Federal Disaster Relief Funds, as a result of tornados, flooding, etc. In addition, properties may be covered by flood insurance, resulting from other drainage related events, such as water main breaks and construction, etc. Mr. Mirabal stated that approximately 40% of all claims are the result of flooding from water main systems. He also stated that if the Town of Addison does not participate in the NFIP, property owners would not be eligible to obtain flood insurance or receive disaster relief funds.



Steve Chutchian

FAX TRANSMITTAL

of pages ONE

To	STEVE CRUTCHIAN	From	DAVID HIEGEL
Dept/Agency		Phone #	940 898 5405
Fax #	972 450 2837	Fax #	
NSN 7540-01-317-7360		5099-101	
GENERAL SERVICES ADMINISTRATION			

H.B. No. 1018

AN ACT

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Chief Clerk of the House

I certify that H.B. No. 1018 was passed by the Senate on May 24, 1999, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

Memo

December 14, 2000

To: Mike Murphy, Director of Public Works

From: Steve Chutchian, Assistant City Engineer

Cc: Jim Pierce, Assistant Director of Public Works
Jim Wilson, Project Manager

Re: National Flood Insurance Program
T.N.R.C.C.

Contact Person: Mr. James Mirabal
Water Quality Division, Floodplain Management
T.N.R.C.C. - 1-512-239-4771

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Steve Chutchian

FAX TRANSMITTAL

of pages **ONE**

To STEVE CHUTCHIAN	From DAVID HIEGEL
Dept./Agency	Phone # 940 8985405
Fax # 972 4502837	Fax #
NSN 7540-01-317-7368	GENERAL SERVICES ADMINISTRATION

H.B. No. 1018

AN ACT

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Secretary of the Senate

APPROVED: _____
Date

Governor

Memo

December 14, 2000

To: Mike Murphy, Director of Public Works

From: Steve Chutchian, Assistant City Engineer

Cc: Jim Pierce, Assistant Director of Public Works
Jim Wilson, Project Manager

Re: National Flood Insurance Program
T.N.R.C.C.

Contact Person: Mr. James Mirabal
Water Quality Division, Floodplain Management
T.N.R.C.C. - 1-512-239-4771

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Steve Chutchian

FAX TRANSMITTAL

of pages **ONE**

To STEVE CHUTCHIAN	From DAVID HIEGEL
Dept./Agency	Phone # 940 8985405
Fax # 972 4502837	Fax #
NSN 7540-01-517-7368	GENERAL SERVICES ADMINISTRATION

H.B. No. 1018

AN ACT

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Secretary of the Senate

APPROVED: _____

Date

Governor

Memo

December 14, 2000

To: Mike Murphy, Director of Public Works

From: Steve Chutchian, Assistant City Engineer

Cc: Jim Pierce, Assistant Director of Public Works
Jim Wilson, Project Manager

Re: National Flood Insurance Program
T.N.R.C.C.

Contact Person: Mr. James Mirabal
Water Quality Division, Floodplain Management
T.N.R.C.C. - 1-512-239-4771

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Steve Chutchian

FAX TRANSMITTAL

of pages **ONE**

To STEVE CHUTCHIAN	From DAVID HIEGEL
Dept./Agency	Phone # 940 8985405
Fax # 972 4502837	Fax #
NSN 7540-01-517-7568	GENERAL SERVICES ADMINISTRATION

H.B. No. 1018

AN ACT

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Chief Clerk of the House

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Secretary of the Senate

APPROVED: _____
Date

Governor

December 15, 2000

MEMORANDUM

To: Mike Murphy, P.E., Director of Public Works
From: Jim Pierce, P.E., Assistant Public Works Director
Subject: National Flood Insurance Program (NFIP)

I recently spoke with John Baumgartner to try to understand the history of why the Town of Addison had never joined the NFIP.

John's recollection was the "development community" saw the NFIP as possibly infringing on their rights to build in flood plains and they did not want a federal program interfering, slowing down, or causing more paperwork. The development community lobbied the mayor at that time not to join the program for those reasons.

John commented that now that the Town of Addison is almost completely developed, there should not be any reason not to join.

December 15, 2000

MEMORANDUM

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John commented that now that the Town of Addison is almost completely developed, there should not be any reason not to join.

Steve - for your file

Ordinance # 597 Adopting Flood Plain
Insurance Reqs - - -
Passed by Council July 15, 1980

Addison!

STEVEN Z. CHUTCHIAN, P.E.
Assistant City Engineer
(972) 450-2886
(972) 450-2837 FAX
(214) 673-2518 Mobile
schutchian@ci.addison.tx.us E-mail

Town of Addison 16801 Westgrove Dr. P.O. Box 9010, Addison, Texas 75001-9010

HB 1018
STATE SARD
LOCAL COMMITTEE

FEDERAL EMERGENCY MANAGEMENT AGENCY
**APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD
 INSURANCE PROGRAM**

See the reverse for
 Paperwork Burden
 Disclosure Notice

O.M.B. NO. 3067-0020
 Expires December 31, 1995

1. APPLICATION (City, town, etc.)

TOWN OF ADDISON

DATE

NOVEMBER __, 2000

COUNTY, STATE

DALLAS, TEXAS

2. COMMUNITY OFFICIAL AND OFFICE OR AGENCY WITH OVERALL RESPONSIBILITY

TELEPHONE NO. (Include area code)

ADDRESS (Street or box no., city, state, zip code)

3. PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing program)

TELEPHONE NO. (Include area code)

ADDRESS (Street or box no., city, state, zip code)

4. FIRST FLOOR ELEVATION INFORMATION WILL BE RECORDED BY:

TELEPHONE NO. (Include area code)

ADDRESS (Street or box no., city, state, zip code)

5. LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF FIA MAPS

TOWN OF ADDISON

ADDRESS

16801 WEST GROVE DRIVE
 P.O. BOX 9010
 ADDISON, TEXAS 75001-910

6. ESTIMATES FOR ONLY THOSE AREAS SUBJECT TO FLOOD AND/OR MUDSLIDE AS KNOWN AT THE TIME OF APPLICATION

AREA	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

7. ESTIMATES OF TOTALS IN ENTIRE COMMUNITY

	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

October 23, 2000

To: Ken Dippel, City Attorney

From: Steve Chutchian, Assistant City Engineer

Re: Participation in the National Flood Insurance Program (NFIP)
of the Federal Emergency Management Agency (FEMA)

Public Works Department staff has been in contact with the Denton office of FEMA, regarding inclusion of the Town of Addison in the NFIP. We have been alerted that the deadline for a municipality to obtain entrance into the program is January 1, 2001. Several issues pertain to the Town's decision to enter the program, including:

- a. Citizens of the community, involving residential and commercial properties, may obtain flood hazard insurance only if the Town of Addison is in the NFIP.
- b. If an individual desires to build in the 100-year floodplain and utilize FHA or VA funds, flood hazard insurance is required.
- c. If a structure is damaged in a flood prone area, and federal funds are requested for restoration, the property owner must have flood hazard insurance.
- d. The Attorney General's office will be notified of any municipality that did not enter the NFIP, after January 1, 2001. Representatives of the Denton office of FEMA are uncertain as to specific action that will be taken against the Town for non-participation.

Consequently, draft copies of a necessary Flood Damage Prevention Ordinance and Resolution have been modified to reference the Town of Addison, and are attached for your review and comments. Your assistance in finalizing these documents for placement on the Council agenda in November, 2000 is appreciated.



Steve Chutchian, P.E.
Assistant City Engineer

Cc: Mike Murphy, Director of Public Works
Jim Pierce, Assistant Director of Public Works

RESOLUTION

WHEREAS, certain areas of Addison, Texas, are subject to periodic flooding, causing serious damages to properties within these area; and

WHEREAS, it is the intent of this Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to VTCS, Sections 16.315 through 16.318.

NOW, THEREFORE, BE IT RESOLVED, that this Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force, in these areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program regulations; and
2. Vests the Town of Addison, Texas with the responsibility, authority and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood hazards.
 - (b) Provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request.
 - (c) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new construction or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - (d) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

- (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FFBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
 - (f) Submit an annual report to the Administrator concerning the community's participation in the Program, including, but not limited to the development and implementation of floodplain management measures.
3. Appoints the Director of Public Works with the responsibility, authority, and means to implement the commitments as outlined in this resolution.
 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the adopted floodplain management measures.

APPROVED: _____

DATE PASSED: _____

CERTIFICATION

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of a Resolution duly passed by the Town of Addison, at a regular meeting duly convened on _____.

Secretary

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in VTCS, Sections 16.315-16.318, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of Addison, Texas, does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Addison, 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.

(2) 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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance 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.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance 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 - is the land in the floodplain within a community 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 (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, 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.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

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 man-made change in improved and 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 a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately

anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - 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 construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or 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 a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR 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.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE 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 describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 areas within a community 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.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (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 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 Interior; or
4. Individually listed on a local inventory or 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 or 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 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, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's 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 a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or 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 a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 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

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was 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 slab 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 basement, 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 restoring the 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 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 "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, 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 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 - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Addison, Texas.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Addison, Texas," dated _____, with accompanying
(date maps will become effective) Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR 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 man-made 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 community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE IV

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that 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. Where interpretation is needed as to 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) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Natural Resource Conservation Commission, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Article 3, Section B, 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 the provisions of Article 5.
9. When a regulatory floodway has not been designated, the Floodplain Administrator 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 Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

SECTION C. PERMIT PROCEDURES

Application for a 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:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance 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 lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. 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 sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

1. The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing

structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - 1) showing a good and sufficient cause;
 - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a) the criteria outlined in Article 4, Section D(1)-(9) are met, and
 - b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level 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 and effects of buoyancy. 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 accepted standards of practice as outlined in this subsection. 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. **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 having a total net area of not less than one 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 foot above grade.
 - 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.
4. **Manufactured Homes** -
 - a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and 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) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or

subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AI-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - 2) the manufactured home chassis 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.
5. **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a) be on the site for fewer than 180 consecutive days,
 - b) be fully licensed and ready for highway use, or
 - c) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions

which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of 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 D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of **non-residential** structures;
 - a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - b) together with attendant utility and sanitary facilities be designed so that below the base flood level 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.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, 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:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

CERTIFICATION

It is hereby found and declared by the Town of Addison, Texas that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; 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 its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____
(community official)

PASSED: _____
(date)

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the _____, (community) at a regular meeting duly convened on _____, (date).

(Secretary or responsible person)

(SEAL)

JIM - THESE TWO
ITEM GO TOGETHER
& ARE OPTIONAL

SUGGESTED WORDING FOR PENALTY CLAUSE

DO WE WANT TO
INCLUDE THIS IN
THE
ORDINANCE
SZC

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."

In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

THEREFORE: The following is suggested wording for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ _____ or imprisoned for not more than _____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ (community) from taking such other lawful action as is necessary to prevent or remedy any violation.

Memo

December 5, 2000

To: Mike Murphy, Director of Public Works
Jim Pierce, Assistant Director of Public Works

From: Steve Chutchian, Assistant City Engineer

Cc: Jim Wilson, Project Manager

Re: FEMA Resolution & Ordinance for NFIP

Ms. Angela Washington, with the City Attorney's office, has worked with the Public Works Department staff and representatives of the Denton, Texas branch of FEMA, in order to review and refine documents related to our Town's inclusion into the National Flood Insurance Program (NFIP). The attached documents are in final form and may be presented to the Council for consideration at the January 9, 2001 meeting:

- a. Resolution
- b. Ordinance
- c. Exhibit "A" to Ordinance

Upon approval of the Resolution and Ordinance by the Council, they must be submitted to the Denton office of FEMA, with a short application form that we currently have in-hand. Their office expects to receive our documents immediately after the January 9th Council meeting.



Steve Chutchian
Assistant City Engineer

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

RESOLUTION OF THE TOWN OF ADDISON INDICATING ITS DESIRE AND INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM; INDICATING ITS INTENT TO ADOPT AND ENFORCE FLOOD PLAIN MANAGEMENT REGULATIONS CONSISTENT WITH FEDERAL CRITERIA; AND DIRECTING THE CITY MANAGER TO TAKE APPROPRIATE STEPS TO IMPLEMENT THE INTENT OF THE TOWN COUNCIL, AS OUTLINED IN THIS RESOLUTION

WHEREAS, certain areas of Addison are subject to periodic flooding, causing serious damage to properties within those areas; and

WHEREAS, it is the intent of the Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having such hazards; and

WHEREAS, the Town of Addison has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Subchapter I, Chapter 16, Texas Water Code; and

WHEREAS, members of the community of Addison are not eligible to purchase flood insurance under the National Flood Insurance Program unless Addison joins the National Flood Insurance Program;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. That it is the desire and intent of the Town of Addison to join the National Flood Insurance Program.

Section 2. That the Town Council of the Town of Addison assures the Federal Emergency Management Agency that it will enact and enforce adequate land use and control measures consistent with the requirements and criteria of the National Flood Insurance Program.

Section 3. That the City Manager or his designee is hereby directed to:

- a. assist the Federal Insurance Administrator (Administrator), at the Administrator's request, in the delineation of the limits of the area having special flood hazards;
- b. provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request;

c. maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new construction or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed;

d. cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow) and flood-related erosion areas in order to prevent aggravation of existing hazards;

e. upon occurrence, notify the Administrator in writing whenever the boundaries of Addison have been modified by annexation or Addison has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent Addison's boundaries, include within such notification a copy of a map of the Town suitable for reproduction, clearly delineating the new corporate limits or new area for which Addison has assumed or relinquished floodplain management regulatory authority; and

f. submit an annual report to the Administrator concerning Addison's participation in the Program, including, but not limited to the development and implementation of floodplain management measures.

Section 4. That the City Manager is further directed to take appropriate steps to implement the intent of the Council, as outlined in this resolution.

Section 5. That the Town Council of the Town of Addison intends to take such other official action as may be reasonably necessary to carry out the objectives of any floodplain management measures adopted.

PASSED AND APPROVED by the Town Council of the Town of Addison, Texas this the _____ day of _____, 2000.

R. Scott Wheeler, Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Carmen Moran, City Secretary

By: _____
Ken C. Dippel, City Attorney

TOWN OF ADDISON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 42, "FLOODS," OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING ARTICLE II, "FLOOD DAMAGE PREVENTION," TO ENSURE ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the flood hazard areas of Addison, Texas are subject to periodic inundation which could result in serious damage to properties within those areas, 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 would adversely affect the public health, safety and general welfare; and

Whereas, such 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, floodproofed or otherwise protected from flood damage; and

WHEREAS, members of the community of Addison are not eligible to purchase flood insurance under the National Flood Insurance Program unless Addison joins the National Flood Insurance Program; and

WHEREAS, Section 16.3145 of the Texas Water Code provides that the governing body of each city shall adopt ordinances or orders necessary for the city to be eligible to participate in the National Flood Insurance Program; and

WHEREAS, The City Council desires to amend Chapter 42, "Floods," of the Code of Ordinances to ensure that the Town's regulations are adequately designed to minimize flood losses and ensure eligibility for participation in the National Flood Insurance Program; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. That Chapter 42, "Floods," of the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended by amending Article II, "Flood Damage Prevention," as set forth in Exhibit A attached hereto and incorporated herein, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the Code are not amended but are hereby ratified, verified, approved and affirmed.

Section 3. Savings. That this ordinance shall be cumulative of all other ordinances of the City affecting flooding and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Severability. That the sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have adopted such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Effective Date. That this ordinance shall become effective from and after its date of passage as provided by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this _____ day of _____, 2000.

Mayor Scott Wheeler

ATTEST:

Carmen Moran, City Secretary

APPROVED AS TO FORM:

Ken Dippel, City Attorney

EXHIBIT A

ARTICLE II. FLOOD DAMAGE PREVENTION

DIVISION 1. GENERALLY

Sec. 42-31. Statutory Authorization.

Local governments are authorized by Chapter 16 of the Texas Water Code to adopt regulations designed to minimize flood losses, and to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program.

Sec. 42-32. Definitions.

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

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.

Area of shallow flooding means a designated AO, AH, or VO zone on the 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 (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zone A, AE, AH, AO, A1-99, 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.

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

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 man-made 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 a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, and V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction 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 construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or 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 adoption of floodplain management regulations.

Expansion to an existing manufactured home park or 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 waters from any source.

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

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain or flood-prone 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, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 areas 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.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (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 that 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 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; or
- (3) individually listed on the state's inventory of historic places.

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 that 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 or 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 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, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

National Flood Insurance Program Regulations means those regulations contained in Chapter 1 of Title 44 of the Code of Federal Regulations (CFR) pertaining to floodplain management.

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 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or 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 December 12, 2000.

Recreational vehicle means a vehicle that is:

- (1) built on a single chassis;
- (2) 400 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.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was 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 slab 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 basement, 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 and a manufactured home, that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the 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 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 "start of construction" of the improvement. This includes structures that

have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, 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 building official and which are the minimum necessary 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 from the requirements of this article that permits construction or development in a manner that would otherwise be prohibited by this article.

Violation means the failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without appropriate certifications, or other required evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 42-33. Applicability.

This article applies to all areas of special flood hazard within the jurisdiction of the Town.

Sec. 42-34. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered, or have its use changed without full compliance with the terms of this article and all other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation in accordance with Section 1-7 of this Code, and in addition shall pay all costs and expenses involved in the case. Nothing contained in this article shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 42-35. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) considered as minimum requirements;

- (2) liberally construed in favor of the city council; and
- (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 42-36. Purpose.

It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) protect human life and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business interruptions;
- (5) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) ensure that potential buyers are notified that property is in a flood area.

Sec. 42-37. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Addison, Texas," with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM), dated July 30, 1999, and any revisions thereto are hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file at 4500 Belt Line Road, Addison, Texas.

Sec. 42-38. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 42-39. Methods of reducing flood losses.

In order to accomplish its purposes, this article includes methods and provisions for:

- (1) restricting or prohibiting uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities;
- (2) requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

Sec. 42-40. Warning and disclaimer or liability.

The degree of flood protection required by this article 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 man-made or natural causes. This article 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 article shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.

Secs. 42-41 – 42-55. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 42-56. Floodplain administrator.

The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 42-57. Duties & responsibilities of the floodplain administrator.

Duties and responsibilities of the Floodplain Administrator include, but are not limited to, the following:

- (1) Maintaining for public inspection all records pertaining to the provisions of this article.
- (2) Reviewing permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Reviewing all applications for development permits required by this article to determine that all permit requirements have been satisfied.
- (4) Reviewing permits for proposed development to determine that 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) Making interpretations, where needed, as to 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) Notifying adjacent communities and the Texas Natural Resource Conservation Commission prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency.
- (7) Assuring that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) Obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from a federal, state or other source, in order to administer this article, when base flood elevation data has not been provided in accordance with Section 42-37.
- (9) Requiring that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM when a regulatory floodway has not been designated, 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 Town.
- (10) Making application under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations for a conditional FIRM revision (Conditional Letter of Map Revision) through FEMA, when appropriate

to approve development that increases the water surface elevation of the base flood by more than one foot in Zone A1-30, AE, or AH, on the FIRM.

Sec. 42-58. Development permit – required

A development permit must be obtained before construction or development begins within any area of special flood hazard to ensure conformance with the provisions of this article.

Sec. 42-59. Development permit – procedure.

(a) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by the Administrator and must include, but is not 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:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 2 of Section 42-77.
- (4) A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(b) The Administrator must maintain a record of all such information in accordance with Paragraph 1 of Section 42-57.

(c) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on the provisions of this article 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 lands to the injury of others.
- (4) The compatibility of the proposed use with existing and anticipated development.

- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (6) 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 sewer, gas, electrical and water systems.
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (8) The necessity to the facility of a waterfront location, where applicable.
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (10) The relationship of the proposed use to the comprehensive plan for that area.

Sec. 42-60. Variances.

(a) The building code board of appeals as established by the Town shall hear and decide appeals and requests for variances from the requirements of this article.

(b) The building code board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this article. All decisions of the building code board of appeals are final.

(c) In passing upon such applications, the building code board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;

- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(d) Upon consideration of the factors of this section and the purposes of this article, the building code board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(e) The Floodplain Administrator shall maintain a record of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

(f) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsections (c)(1) through (c)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(h) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) the criteria outlined in this section are met, and
- (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(i) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(j) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(k) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(l) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Secs. 42-61-42-75. Reserved.

DIVISION 3. FLOOD HAZARD REDUCTION

Sec. 42-76. General standards.

In all areas of special flood hazards the following standards are required:

- (1) *Anchoring.* All new construction or substantial improvements must be designed (or modified) in such a manner that they are adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- (2) *Construction materials and methods.*
 - a. All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage.
 - b. All new construction or substantial improvements must be constructed with materials resistant to flood damage.
- (3) *Utilities.*
 - a. All new construction and substantial improvements must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - b. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.
 - c. All new and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system, and to minimize or eliminate discharge from the systems into flood waters.
 - d. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

Sec. 42-77. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 42-37, regarding the basis for establishing the area of special flood hazard, Paragraph 8 of Section 42-57, pertaining to the use of other base flood data, or Paragraph 3 of Section 42-78, pertaining to standards for subdivision proposals, the following provisions are required:

- (1) *Residential Construction.* New construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated at least two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that this standard is satisfied. The Administrator shall maintain a record of such certification.
- (2) *Nonresidential Construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure must either have the lowest floor, including basement, elevated at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so

that below the base flood elevation 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 and effects of buoyancy. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify to the Floodplain Administrator that the design and methods of construction are in accordance with accepted standards of practice as outlined in this article. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed must be maintained by the Administrator.

(3) *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, must 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 having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
- b. The bottom of all openings must be no higher than one foot above grade.
- c. Openings equipped with screens, louvers, valves, or other coverings or devices must permit the automatic entry and exit of floodwaters.

(4) *Manufactured Homes.*

- a. Manufactured homes to be placed within Zone A on the FHBM or FIRM must be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and 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. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent

foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the FIRM that are not subject to the provisions of Paragraph (4)b. of this section must be elevated so that either:
 - i. the lowest floor of the manufactured home is at or above the base flood elevation, or
 - ii. the manufactured home chassis 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 are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) *Recreational Vehicles.* Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM must either:

- a. be on the site for fewer than 180 consecutive days;
- b. be fully licensed and ready for highway use; or
- c. meet the permit requirements of Section 42-59, and the elevation and anchoring requirements for "manufactured homes" in Paragraph 4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 42-78. Standards for subdivision proposals.

- (1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, must be consistent with the need to minimize flood damage.
- (2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, must meet Development Permit requirements of this article.
- (3) Base flood elevation data must be provided for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, that is greater than 50 lots or 5 acres, whichever is less, if not

otherwise provided pursuant to Section 42-37 regarding the basis for establishing the areas of special flood hazard or Paragraph 8 Section 42-57 pertaining to the use of other base flood data.

- (4) All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 42-79. Standards for areas of shallow flooding (AO/AH Zones).

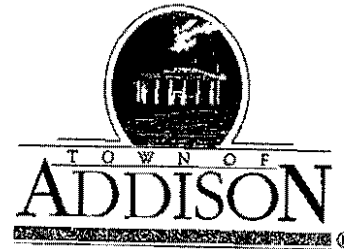
Located within the areas of special flood hazard established in Section 42-37, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures must:
 - a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified);
 - b. together with attendant utility and sanitary facilities be designed so that below the base flood level 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.
- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
- (4) Within Zones AH and AO, adequate drainage paths must be provided around structures on slopes to guide flood waters around and away from proposed structures.

Sec. 42-80. Floodways

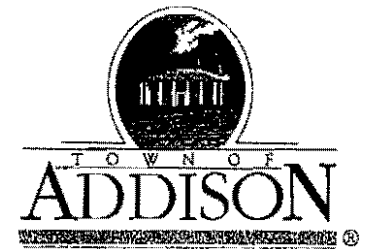
Located within areas of special flood hazard established in Section 42-37, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town during the occurrence of the base flood discharge.
- (2) If Paragraph (1) of this Section 42-80 is satisfied to permit encroachment, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of this article.
- (3) Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations are prohibited, unless the Floodplain Administrator obtains a conditional FIRM and floodway revision through FEMA.



STEVEN Z. CHUTCHIAN, P.E.
Assistant City Engineer

16801 Westgrove Drive
P.O. Box 9010
Addison, Texas 75001-9010
(972) 450-2886
Mobile (214) 673-2518
FAX (972) 450-2837
E-Mail: schutchian@ci.addison.tx.us



STEVEN Z. CHUTCHIAN, P.E.
Assistant City Engineer

16801 Westgrove Drive
P.O. Box 9010
Addison, Texas 75001-9010
(972) 450-2886
Mobile (214) 673-2518
FAX (972) 450-2837
E-Mail: schutchian@ci.addison.tx.us

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TEXAS

SECTION 16.3145
TO SUB CHAPTER
OF WATER CODE

ARROBAT
READER

BILL RECENTLY PASSED

✓ ALL CITIES + COUNTIES TO BE ELIGIBLE TO PARTICIPATE IN NFIP.

✓ CITIZENS CAN ONLY GET INSURANCE IF CITY IN PROGRAM

ATTORNEY GENERAL'S OFFICE WILL BE NOTIFIED - ACTION ON NON PARTICIPATION IS UNCERTAIN - AFTER JAN. 1,

✓ IF PERSON WANTS TO BUILD IN FLOODPLAIN + USE FEMA, VA. FUNDS, YOU MUST HAVE FLOOD INSURANCE.

IF A TOWN NOT PARTICIPATING,

IF A STRUCTURE IS DAMAGED

+ WANT FEDERAL FUNDS TO REBUILD IN FLOOD PLANE

PROPERTIES - NEED FLOOD INSURANCE.

MAPS ISSUED - 1-877-FEMA MAP 1988 DATE

JACK QUARLES

940-898-5156

USE FOR MAPS

GET ON LIST FOR

HAVING PREPARED MAPS

Steve Chutchian

From: Hoff, Dale [Dale.Hoff@fema.gov]
Sent: Thursday, October 19, 2000 2:32 PM
To: Steve Chutchian (E-mail)
Subject: Ordinance



Ordinance D.doc

Hi Steve:

For enrolling in the NFIP Course, please contact the following as soon as you can. Slots are going fast:

Melanie Sattler
817-695-9225

She will send you the information you will need.

Also, see the attached for a sample ordinance:

<<Ordinance D.doc>>

Please call me anytime if I can help out.

Dale Hoff

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of _____ has in (statutes) _____ delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the _____ of _____, (governing body) (community), does ordain as follows: _____, (State)

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of _____ 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.

(2) 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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2
DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance 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.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance 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 - is the land in the floodplain within a community 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 (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equalled or exceeded in any given year.

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

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 man-made change in improved and 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 a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - 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 construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or 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 a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR 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.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE 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 describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 areas within a community 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.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (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:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) 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;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or;

(2) 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 or 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 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, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's 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 a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or 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 a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was 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 slab 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 basement, 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 restoring the 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 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 "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, 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 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 - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of _____
(community)

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

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

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR 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 man-made 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 community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The _____ is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

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

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

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that 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) Where interpretation is needed as to 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) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is _____, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, 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 the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator 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 Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

SECTION C. PERMIT PROCEDURES

(1) Application for a 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:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. Maintain a record of all such information in accordance with Article 4, Section (B) (1).

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

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. 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 sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

(1) The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level 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 and effects of buoyancy. 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 accepted standards of practice as outlined in this subsection. 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) 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 having a total net area of not less than one 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 foot above grade.

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.

(4) Manufactured Homes -

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and 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. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis 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.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of 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 D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level 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.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

CERTIFICATION

It is hereby found and declared by _____
(community)

that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; 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 its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____
(community official)

PASSED: _____
(date)

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the _____, at a regular meeting duly convened on _____.

(Secretary or responsible person)

(SEAL)

SUGGESTED WORDING FOR PENALTY CLAUSE

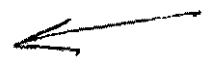
In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."

In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

THEREFORE: The following is suggested wording for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ _____ or imprisoned for not more than _____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ (community) from taking such other lawful action as is necessary to prevent or remedy any vic'



FEDERAL EMERGENCY MANAGEMENT AGENCY
**APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD
 INSURANCE PROGRAM**

See the reverse for
 Paperwork Burden
 Disclosure Notice

O.M.B. NO. 3067-0020
 Expires December 31, 1995

sent to FEMA? FROM PALM

1. APPLICATION (City, town, etc.)

COUNTY, STATE

2. COMMUNITY OFFICIAL AND OFFICE OR AGENCY WITH OVERALL RESPONSIBILITY

TELEPHONE NO. (include area code)

ADDRESS (Street or box no., city, state, zip code)

3. PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing program)

TELEPHONE NO. (include area code)

ADDRESS (Street or box no., city, state, zip code)

4. FIRST FLOOR ELEVATION INFORMATION WILL BE RECORDED BY:

TELEPHONE NO. (include area code)

ADDRESS (Street or box no., city, state, zip code)

5. LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF FIA MAPS

ADDRESS

6. ESTIMATES FOR ONLY THOSE AREAS SUBJECT TO FLOOD AND/OR MUDSLIDE AS KNOWN AT THE TIME OF APPLICATION

AREA	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

7. ESTIMATES OF TOTALS IN ENTIRE COMMUNITY

	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF SMALL BUSINESS STRUCTURES	NO. OF ALL OTHER STRUCTURES

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 4 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472; and to the Office of Management and Budget, Paperwork Reduction Project (3067-0020), Washington, DC 20503.

RESOLUTION NO. _____

STATE OF TEXAS
TOWN OF ADDISON
COUNTY OF DALLAS

WHEREAS, certain areas of the Town of Addison are subject to periodic flooding, causing serious damages to properties within these areas; and

WHEREAS, under the National Flood Insurance act of 1968, as amended, residents of the Town of Addison can purchase Federally subsidized flood insurance if the Town qualifies for, and participates in the National Flood Insurance Program; and

WHEREAS, it is the intent of this Town Council to qualify for participation in the National Flood Insurance Program and to require the recognition and evaluation of flood hazards for all proposed developments within the identified floodplains of the Town of Addison; and

WHEREAS, the Town Council of the Town of Addison has the legal authority to adopt and enforce floodplain management criteria to reduce future flood losses pursuant to Subchapter I, Section 16.315 of the Texas Water Code;

NOW, THEREFORE, BE IT RESOLVED, that this Town Council hereby:

- I. Assures the Federal Emergency Management Agency it will enact as necessary, and maintain in force in those areas having flood hazards, adequate floodplain management standards with effective enforcement provisions consistent with the minimum criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and
2. Vests the Mayor, or his official designate, with the responsibility, authority, and means to:
 - a. Assist the Administrator, at his request, in his delineation of the limits of the areas having special flood hazards.
 - b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain.
 - c. Cooperate with Federal, State and local agencies and private firms which undertake to study, survey" map, and identify floodplain areas, and cooperate with neighboring political subdivisions with respect to management of adjoining floodplain areas in order to prevent aggravation of existing flood hazards.

STATE OF TEXAS
TOWN OF ADDISON
COUNTY OF DALLAS

I, _____ Town Secretary of the Town of Addison do hereby certify that the above and foregoing is a true and correct copy of a Resolution made and entered by the Town Council in regular session, on the _____ day of _____ 2000, as it appears on record in the Minutes of said Town Council, Volume _____, Page _____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____ 2000..

**INSTRUCTIONS FOR MAKING APPLICATION
TO PARTICIPATE IN THE
NATIONAL FLOOD INSURANCE PROGRAM**

1. Fill out the attached Application Form.
2. Adopt and certify the attached Resolution committing the community to Floodplain Management.
3. Adopt and certify an ordinance establishing minimum floodplain management standards consistent with Section 60.3 of the Rules and Regulations of the National Flood Insurance Program. The Attached Sample Ordinance can be modified and adopted to satisfy this requirement.
4. **Mail two copies of the complete application packet to:**

Mr. Frank Pagano, Director
Mitigation Division
Federal Emergency Management Agency
Region VI - Federal Center
800 North Loop 288
Denton, Texas 76201-3698
5. **Mail one copy of the complete application packet to:**

Mr. James Mirabal, P.E.
NFIP - State Coordinator
Texas Natural Resource Conservation Commission
Post Office Box 13087 - MC160
Austin, Texas 78711-3087
6. Maintain one copy of the complete application for your records.
7. Applications should be mailed under a cover letter expressing the intent of the City or County to participate in the National Flood Insurance Program.

① IS IT MANDATORY FOR OUR TOWN TO
(REQUIRES)
PARTICIPATE IN THE NATIONAL FLOOD
INSURANCE PROGRAM?
(NFIP)

② IS JAN 4, 201 DEADLINE TO PARTICIPATE

③ IS THE 60.3(C) ORDINANCE THE ONE TO
ADOPT

④ IS APPLICATION 81-64 STILL GOOD

⑤ FLOOD MAPS

a) HAVE UPDATES FOR THIS AREA
BEEN PREPARED

b) DO WE NEED TO APPLY FOR
MAPS TO BE PREPARED

c) DO WE NEED TO JOIN NFIP
& WAIT FOR MAPS TO BE DONE.

d. COST OF MAPS