



ORDINANCE NO. 3257

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS APPROVING AND ADOPTING FLOOD INSURANCE RATE MAPS REVISED EFFECTIVE JULY 7, 2014, FOR AREAS WITHIN THE CITY OF FARMERS BRANCH; AMENDING THE CODE OF ORDINANCES, CHAPTER 42, "FLOODS," ARTICLE II, "FLOOD DAMAGE PREVENTION", SECTION 42-37, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS"; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Federal Emergency Management Agency ("FEMA") has determined there exists within the incorporated limits of the City of Farmers Branch certain flood prone areas where damages to property or injury to people may occur during periodic rain events of certain length and intensity; and

WHEREAS, in order for property owners within a community to be eligible to purchase federally-guaranteed flood insurance for the protection of property located in flood prone areas, a community must be a participant in the National Flood Insurance Program ("NFIP") which participation requires, among other things, the adoption of regulations regarding the development of property within such flood prone areas; and

WHEREAS, financial institutions that make federally guaranteed loans to finance the purchase and/or development of real estate are generally forbidden from making such loans with respect to properties located in flood prone areas if the community is not a participant in the NFIP; and

WHEREAS, the City Council of the City of Farmers Branch is presently a participant in the NFIP and finds it to be in the public interest to continue such participation; and

WHEREAS, the City has been advised that the FEMA Administrator has adopted new flood insurance rate maps for areas within the City to be effective on July 7, 2014; and

WHEREAS, to remain a participant in the NFIP, a community must adopt FEMA's new flood insurance rate maps and amendments to the community's floodplain management regulations prior to the effective date of said maps; and

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest and necessary for the health and safety of the citizens of the City of Farmers Branch to adopt the revised flood insurance rate maps;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS THAT:

SECTION 1. The Flood Insurance Rate Maps prepared by FEMA for areas within the City of Farmers Branch revised to be effective July 7, 2014, copies of which are on file in the Office of the Director of Public Works and incorporated herein by reference, are hereby approved and adopted for purpose of administration of the National Flood Insurance Program within the City and the enforcement of the provisions of Chapter 42 of the Code of Ordinances of the City of Farmers Branch and other applicable ordinances and regulations relating to the use and development of areas within the City designated as special flood hazard areas.

SECTION 2. Chapter 42 “Floods”, Article II “Flood Damage Prevention”, Section 42-37 “Basis for Establishing the Areas of Special Flood Hazards” of the Code of Ordinances of the City of Farmers Branch is hereby amended to read as follows:

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

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Dallas County, Texas and Incorporated Areas,” dated July 7, 2014, with accompanying Flood Insurance Rate Maps (FIRM) dated July 7, 2014 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS THE 3rd DAY OF MARCH 2014.

ATTEST:

APPROVED:

Angela Kelly, City Secretary

William P. Glancy, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:1/30/14:64563)