

**ORDINANCE NO. 17-11**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE FLOOD INSURANCE STUDY, FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES.

WHEREAS, the Town of Youngtown, Maricopa County, Arizona, has elected not to assume floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as District Dependent;

WHEREAS, the Town of Youngtown shall appoint a Floodplain Administrator who will be responsible for (1) coordinating with County Flood Control District staff regarding floodplain management and (2) verifying that the Community's participation in the National Flood Insurance Program is maintained and remains in good standing through adoption and enforcement of these Regulations;

WHEREAS, the Community Floodplain Administrator shall also be, at a minimum, responsible for the following:

1. Keep and maintain current Flood Insurance Studies and Flood Insurance Rate Map(s) applicable to their community;
2. Keep and maintain copies of the most current "Flood Insurance Study for Maricopa County, Arizona, and Incorporated Areas" dated October 16, 2013 and "Flood Insurance Rate Maps" dated October 16, 2013 and "Floodplain Management Regulations for Maricopa County" dated June 25, 2014 in the office of the Town Clerk;
3. Keep and maintain elevation certificates (or acceptable records of lowest floor elevations) for all structures within the Special Flood Hazard Areas; and
4. Repeal and modify all existing local ordinances that conflict with these Regulations, including but not limited to Ordinance 11-05.

WHEREAS, the Town of Youngtown, Arizona, joined the National Flood Insurance Program ("NFIP") as a separate community on June 5, 1975, and under the NFIP, is the entity responsible for floodplain management within the Town of Youngtown; and,

WHEREAS, the continued participation in the NFIP is in the best interest of the citizens of the Town of Youngtown; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) published a countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), "Flood

Insurance Study for Maricopa County, Arizona and Incorporated Areas”, dated October 16, 2013 and “Flood Insurance Rate Maps for Maricopa County, Arizona and Incorporated Areas”, dated October 16, 2013, and each community that participates in NFIP is required to adopt floodplain management regulations consistent with Federal and State criteria; and,

WHEREAS, A.R.S. § 48-3609 assigns powers and duties for floodplain management to the Flood Control District of Maricopa County and the Town of Youngtown has elected NOT to assume those powers and duties as provided for in A.R.S. § 48-3610; and,

WHEREAS, the Flood Control District of Maricopa County has adopted Floodplain Regulations that meet the minimum requirements of the NFIP; and,

WHEREAS, those certain documents entitled “Flood Insurance Study for Maricopa County, Arizona and Incorporated Areas”, dated October 16, 2013 and “Flood Insurance Rate Maps for Maricopa County, Arizona and Incorporated Areas”, dated October 16, 2013 and “Floodplain Regulations for Maricopa County”, dated June 25, 2014, and all subsequent amendments and/or revisions are hereby designated as public records.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

1. The Code of Youngtown, Arizona, elects NOT to assume the responsibility of floodplain management from the Flood Control District of Maricopa County as provided for in A.R.S. § 48-3609; 3610. The Town of Youngtown’s Community Development Manager is designated as the NFIP Floodplain Administrator for the Town of Youngtown, is responsible for coordinating with the Flood Control District of Maricopa County, and will serve as the community point of contact on NFIP issues for County, State and Federal officials.
2. Those public records entitled “Flood Insurance Study for Maricopa County, Arizona and Incorporated Areas” dated October 16, 2013 with accompanying FIRMs dated October 16, 2013 and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the Town Clerk, are hereby adopted by reference as the basis for establishing the Special Flood Hazard Areas in the Town of Youngtown. The Special Flood Hazard Areas documented in the FIS and FIRMs are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.
3. That public record designated as the Flood Control District of Maricopa County Floodplain Regulations for Maricopa County, as amended November 8, 2017 and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the Town of Youngtown Clerk, is hereby adopted as the legal basis for implementing floodplain management in the Town of Youngtown.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Unless otherwise provided, any person found in violation of any provision of this Ordinance shall be in violation of the Flood Control District of Maricopa County "Floodplain Regulations for Maricopa County" dated June 25, 2014, and all subsequent amendments and revisions, that currently reads as follows:

Section 708 Penalties:

- a. It is a Class 2 Misdemeanor to engage in any Development or to divert, retard or obstruct the flow of waters in a watercourse without first securing the written authorization of the District. A violator may be subject to jail and fines.
- b. The penalty for the civil offense of violation of Flood Control District regulations, ordinances or rules is a fine not in excess of that which is chargeable for a Class 2 Misdemeanor. Each day the violation continues constitutes a separate offense.
- c. All development located or maintained within any Special Flood Hazard Area since August 8, 1973, in violation of flood control statutes or regulations without authorization from the Floodplain Administrator is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.
- d. Nothing in this section precludes any private right of action by any person damaged by another's unauthorized diversion, retardation or obstruction of a watercourse. Further the District is not precluded by anything in these Regulations from pursuing injunctive and other remedies as provided by law.

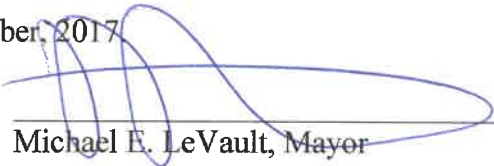
PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 21<sup>st</sup> day of December, 2017, by the following vote:

AYES: 6


NAYES: 0 ABSENT: 1

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

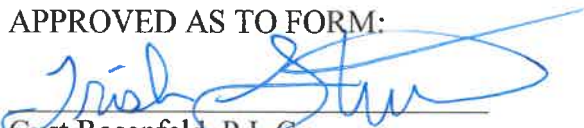
APPROVED this 21<sup>st</sup> day of December, 2017

  
Michael E. LeVault, Mayor


ATTEST:

  
Mary Reynolds, Town Clerk

APPROVED AS TO FORM:

  
Gust Rosenfeld, P.L.C.  
Town Attorneys  
By Trish Stuhan

I, MARY REYNOLDS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17011 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 21<sup>st</sup> DAY OF DECEMBER, 2017, WAS POSTED IN THREE PLACES ON THE 22 DAY OF December, 2017.

  
Mary Reynolds, Town Clerk