

ORDINANCE NO. 1139

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE TOWN OF WICKENBURG CODE BY REPEALING EXISTING CHAPTER 15 FLOODPLAIN REGULATIONS IN ITS ENTIRETY AND ADOPTING NEW CHAPTER 15 FLOODPLAIN MANAGEMENT, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS RELATED TO REGULATING FLOOD HAZARD AREAS PURSUANT TO THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND DELEGATING AUTHORITY OF FLOODPLAIN MANAGEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Wickenburg, Arizona, joined the National Flood Insurance Program (NFIP) as a separate community on January 5, 1978; and,

WHEREAS, the Town of Wickenburg, under the National Flood Insurance Program, is the entity responsible for floodplain administration within the Town; and,

WHEREAS, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of the Town of Wickenburg; and,

WHEREAS, the Federal Emergency Management Agency published a Flood Insurance Study and Flood Insurance Rate Maps dated October 16, 2013 for Maricopa County, Arizona and Incorporated Areas; and,

WHEREAS, the Federal Emergency Management Agency published a Flood Insurance Study and Flood Insurance Rate Maps dated September 3, 2010 for Yavapai County, Arizona and Incorporated Areas; and,

WHEREAS, each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal and State criteria; and,

WHEREAS, by adoption of this Ordinance, the Town of Wickenburg delegates the responsibility of floodplain management to the Flood Control District of Maricopa County for property in Wickenburg in Maricopa County and the Flood Control District of Yavapai County for property in Wickenburg in Yavapai County as provided for in A.R.S. § 48-3610; and,

WHEREAS, the Flood Control District of Maricopa County and the Yavapai County Flood Control District has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program; and

WHEREAS, those certain documents entitled "Flood Insurance Study for Maricopa County, Arizona and Incorporated Areas" 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; and

WHEREAS, those certain documents entitled “Flood Insurance Study for Yavapai County, Arizona and Incorporated Areas” and “Flood Insurance Rate Maps for Yavapai County, Arizona and Incorporated Areas,” dated September 3, 2010, and “Flood Damage Prevention Ordinance,” dated November 1, 2010, 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 Wickenburg, Arizona, as follows:

Section 1. In General.

The Code of Wickenburg is hereby amended by repealing existing Chapter 15 Floodplain Regulations in its entirety.

The Code of Wickenburg is hereby amended by adopting a new Chapter 15 Floodplain Management to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

CHAPTER 15 FLOODPLAIN MANAGEMENT

ARTICLE 15-1 IN GENERAL

SECTION 15-1-1 STATUTORY AUTHORIZATION

IN A.R.S. § 48-3610, THE ARIZONA STATE LEGISLATURE ENABLED THE TOWN TO ADOPT REGULATIONS IN CONFORMANCE WITH A.R.S. § 48-3603 DESIGNED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF ITS CITIZENRY. THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, DOES ORDAIN AS FOLLOWS:

SECTION 15-1-2 ADOPTION OF FLOOD INSURANCE MAPS AND STUDY FOR PROPERTY LOCATED IN THE TOWN OF WICKENBURG IN MARICOPA COUNTY

THOSE PUBLIC RECORDS ENTITLED “FLOOD INSURANCE STUDY (FIS) FOR MARICOPA COUNTY, ARIZONA AND INCORPORATED AREAS” AND “FLOOD INSURANCE RATE MAPS (FIRMS) FOR MARICOPA COUNTY, ARIZONA AND INCORPORATED AREAS,” DATED OCTOBER 16, 2013, AND ALL SUBSEQUENT AMENDMENTS AND/OR REVISIONS, THREE 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 FOR FLOODPLAIN MANAGEMENT IN THE TOWN OF WICKENBURG IN MARICOPA COUNTY. THE SPECIAL FLOOD HAZARD AREAS DOCUMENTED IN THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS 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.

SECTION 15-1-3 ADOPTION OF FLOODPLAIN REGULATIONS FOR PROPERTY LOCATED IN THE TOWN OF WICKENBURG IN MARICOPA COUNTY

THAT PUBLIC RECORD DESIGNATED AS THE "FLOODPLAIN REGULATIONS FOR MARICOPA COUNTY, JUNE 25, 2014", AND ALL SUBSEQUENT AMENDMENTS AND/OR REVISIONS, THREE COPIES OF WHICH SHALL BE KEPT ON FILE IN THE OFFICE OF THE TOWN CLERK, IS HEREBY ADOPTED AS THE LEGAL BASIS FOR IMPLEMENTING FLOODPLAIN MANAGEMENT IN THIS COMMUNITY FOR PROPERTY LOCATED IN THE TOWN OF WICKENBURG AND IN MARICOPA COUNTY.

SECTION 15-1-4 ADOPTION OF FLOOD INSURANCE MAPS AND STUDY FOR PROPERTY LOCATED IN THE TOWN OF WICKENBURG IN YAVAPAI COUNTY

THOSE PUBLIC RECORDS ENTITLED "FLOOD INSURANCE STUDY (FIS) FOR YAVAPAI COUNTY, ARIZONA AND INCORPORATED AREAS" AND "FLOOD INSURANCE RATE MAPS (FIRMS) FOR YAVAPAI COUNTY, ARIZONA AND INCORPORATED AREAS," DATED SEPTEMBER 3, 2010 AND ALL SUBSEQUENT AMENDMENTS AND/OR REVISIONS, THREE 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 FOR FLOODPLAIN MANAGEMENT IN THE TOWN OF WICKENBURG IN YAVAPAI COUNTY. THE SPECIAL FLOOD HAZARD AREAS DOCUMENTED IN THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS 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.

SECTION 15-1-5 ADOPTION OF FLOODPLAIN REGULATIONS FOR PROPERTY LOCATED IN WICKENBURG IN YAVAPAI COUNTY

THAT PUBLIC RECORD DESIGNATED AS THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT "FLOOD DAMAGE PREVENTION ORDINANCE" DATED NOVEMBER 1, 2010, AND ALL SUBSEQUENT AMENDMENTS AND/OR REVISIONS, THREE COPIES OF WHICH SHALL BE KEPT ON FILE IN THE OFFICE OF THE TOWN CLERK, IS HEREBY ADOPTED AS THE LEGAL BASIS FOR IMPLEMENTING FLOODPLAIN MANAGEMENT IN THIS COMMUNITY FOR PROPERTY LOCATED IN WICKENBURG AND IN YAVAPAI COUNTY.

SECTION 15-1-6 DESIGNATION OF FLOODPLAIN MANAGEMENT

THE TOWN OF WICKENBURG DELEGATES THE RESPONSIBILITY OF FLOODPLAIN MANAGEMENT FOR PROPERTY LOCATED IN THE TOWN OF WICKENBURG AND IN MARICOPA COUNTY TO THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY AND FOR PROPERTY LOCATED IN THE TOWN OF WICKENBURG AND IN YAVAPAI COUNTY TO THE YAVAPAI

COUNTY FLOOD CONTROL DISTRICT AS PROVIDED FOR IN A.R.S. § 48-3610. THE COMMUNITY DEVELOPMENT AND NEIGHBORHOOD SERVICES DIRECTOR IS DESIGNATED AS THE NATIONAL FLOOD INSURANCE PROGRAM FLOODPLAIN ADMINISTRATOR FOR THE TOWN AND IS RESPONSIBLE FOR COORDINATING WITH THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY AND THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND WILL SERVE AS THE COMMUNITY POINT OF CONTACT ON NATIONAL FLOOD INSURANCE PROGRAM ISSUES FOR COUNTY, STATE AND FEDERAL OFFICIALS.

Section II. Repeal of Conflicting Ordinance.

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.

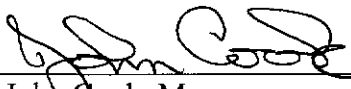
For property located in the Town of Wickenburg in Maricopa County:

Any person found guilty of engaging 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 shall be guilty of a Class 2 Misdemeanor and subject to the penalties set forth in Section 708 of the Floodplain Regulations For Maricopa County, June 25, 2014, as amended and revised. Any person found responsible for other violations of this Ordinance are responsible for a civil violation and subject to the penalties set forth in Section 708 of the Floodplain Regulations for Maricopa County, June 25, 2014, as amended and revised.

For property located in the Town of Wickenburg in Yavapai County:

Any person found guilty of violating provisions of Flood Damage Prevention Ordinance dated November 1, 2010, as amended and revised, shall be guilty of a misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

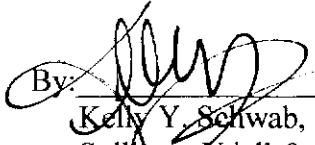
PASSED AND ADOPTED by the Town Council of the Town of Wickenburg,
Arizona, this _____ day of July 7, 2014.

By: 
John Cook, Mayor

ATTEST:

By: 
Gloria Leija, Interim Town Clerk

APPROVED AS TO FORM:

By: 
Kelly Y. Schwab, Curtis, Goodwin,
Sullivan, Udall & Schwab, P.L.C.,
Town Attorneys

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0