

ORDINANCE NO. 19-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 10, "BUILDING CODE" OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED", BY AMENDING ARTICLE VIII, "CITY OF GALVESTON FLOOD DAMAGE PREVENTION ORDINANCE"; ADOPTING THE CITY OF GALVESTON 2019 FLOOD INSURANCE RATE MAPS (FIRM); ADOPTING THE 2019 FLOOD INSURANCE STUDY (FIS); AND PROVIDING FOR AN EFFECTIVE DATE OF \_\_\_\_\_, **2019**; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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**WHEREAS**, the City of Galveston is currently under the 2018 Flood Damage Prevention Ordinance (Ordinance No. 18- 032) and the December 6, 2002 Flood Insurance Rate Maps (FIRM) and (FIS) and,

**WHEREAS** severe flooding has occurred in the past within the City of Galveston and will certainly occur within the future and 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 the jurisdiction of the City of Galveston; and,

**WHEREAS**, Staff desires to keep the City of Galveston current with the most recent codes and recommendations pertaining to flood damage prevention and recommends updating and amending the City's 2018 Flood Damage Prevention ordinance; and,

**WHEREAS**, the Flood Insurance Rate Maps of 2002 and the Flood Insurance Study (FIS) have been revised by FEMA and a letter of final determination from FEMA has been issued to the City pertaining to their adoption. Per FEMA's letter of final determination, the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) must be in effect by August 15, 2019; and,

**WHEREAS**, Staff desires to be in compliance with the National Flood Insurance Program (NFIP) as administered by FEMA and recommends adopting all of the 2019 Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study applicable to the jurisdiction of the City of Galveston and updating the corresponding flood damage prevention ordinance as provided below; and,

**WHEREAS**, the City Council deems it in the best interests of the public to amend Chapter 10 "Building Code" of the Code of the City of Galveston, 1982, as amended", by amending Article VIII, "City of Galveston Flood Damage Prevention Ordinance"; and adopting the City of Galveston 2019 Flood Insurance Rate Maps and providing for an effective date of \_\_\_\_\_ 2019.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** The City of Galveston 2019 Flood Insurance Rate Maps (FIRM) and the 2019 Flood Insurance Study (FIS) are incorporated herein for all intents and purposes and are hereby approved and adopted by the City Council of the City of Galveston and copies of which are on file in the office of the City Secretary and are made available on the City of Galveston’s website under the Development Services Department.

**SECTION 3.** The Code of the City of Galveston, 1982, as amended, Chapter 10, “Building Code”, Article VIII. “Flood Damage Prevention”, is hereby amended to read and provide as follows:

**ARTICLE VIII. CITY OF GALVESTON FLOOD DAMAGE PREVENTION ORDINANCE.**

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**Sec. 10-79. General Provisions**

**A. Lands to which this Ordinance applies**

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

**B. Basis for establishing the areas of Special Flood Hazard**

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 for the City of Galveston dated August 15, 2019”, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated August 15, 2019 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

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**Sec. 10-80. Administration**

**A. Designation of the Floodplain Administrator**

The Building Official or designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

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**C. Permit Procedures**

- (1) Application for a Floodplain 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:

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- (2) Approval or denial of a **Floodplain** Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

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#### **D. Variance Procedures**

- (1) The Building Board of **Adjustments and Appeals and Adjustments**, (herein Appeal Board), shall hear and render judgment on requests for variances from the requirements of this ordinance.

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#### **E. Floodways**

Floodways - located within the areas of special flood hazard established in 10-79B, 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:

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**SECTION 4.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**SECTION 5.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 7.** It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by Chapter 551 of the Texas Government

Code (the "Texas Open Meetings Act") and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

**SECTION 8.** This Ordinance shall be and become effective on \_\_\_\_\_ **2019**, from and after its adoption and publication, in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

\_\_\_\_\_  
DONNA M. FAIRWEATHER  
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular Meeting held on March 28, 2019, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Secretary for the City Council  
of the City of Galveston



# City of Galveston

## Development Services Department

Tim Tietjens, Director  
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April 15, 2019

To: Brian Maxwell, City Manager  
Hon. Mayor and City Council Members

Subject: Consider for action adopting the 2019 Final Flood Insurance Rate Maps and the corresponding Flood Insurance Study, and an amendment to the City of Galveston's Flood Damage Prevention Ordinance; and establishing an effective date for the three documents.

### I. **Background**

- A. The City is currently under the 2002 Flood Damage Prevention Ordinance No. 02-085 (with an amended date of implementation pursuant to 02-086) and the 2002 Flood Insurance Rate Maps.
- B. The National Flood Insurance Program (NFIP) requires the City to adopt new flood insurance rate maps (FIRMs) as a condition of eligibility in the National Flood Insurance Program. Floodplain management regulations must meet the standards set forth under Section 1361 of the National Flood Insurance Act of 1968.
- C. The City received the draft preliminary FIRMs in 2012 and successfully appealed certain aspects of the maps, receiving approval of the appeal in April of 2015. The appealed maps were then posted on the City of Galveston web site for public awareness and review from 2015 to 2018 in which minor scrivener revisions were added by FEMA in a subsequent revision. The resulting 2018 revised preliminary FIRMs were updated and remain posted today.
- D. The Letter of Final Determination (LFD) was received February 20, 2019 as dated February 15, 2019. This requires the city to adopt, within 6 months of date of the LFD, the Revised Preliminary FIRM and the accompanying Flood Insurance Study (FIS) as well as any necessary revision to the Flood Damage Prevention Ordinance. Since the March Council workshop, the final FIRMs and FIS have been received and analyzed for consistency. The direction at the workshop was to prepare the ordinance for adoption along with the FIRMs and FIS and leave the effective date blank for Council consideration.





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- E. The proposed City Flood Damage Prevention Ordinance has also now been updated to meet the required standards of paragraph 60.3(e) of the NFIP regulations (44 CFR 59, etc.)
- F. The City must adopt the new FIRMs and must have an effective date of no later than August 15, 2019. If the maps are not adopted or the City fails to enact the necessary floodplain management regulations, the City will be suspended and possibly lose its standing in the NFIP.
- G. Loss of NFIP could lead to loss of flood insurance for the citizens in the City of Galveston with flood insurance policies.

### II. **Current Situation**

- A. City is currently operating under the 2002 Flood Damage Prevention Ordinance No. 02-085(with an amended date of implementation pursuant to 02-086) and 2002 Flood Insurance Rate Maps. The City's Flood Damage Prevention Ordinance and 2002 Flood Insurance Rate Maps are no longer in full compliance with the NFIP.
- B. The proposed ordinance narrative does not quite mirror the existing narrative adopted in 2002, but it is very close. (Please see attached ordinance with highlighted revisions sections only, and the additional copy of the full document with revisions.)

### III. **Alternatives in order of priority**

- A. City Council adopts the proposed Flood Damage Prevention Ordinance, the Final Flood Insurance Rate Maps (FIRMs) and the corresponding Flood Insurance Study (FIS) and makes all three documents effective in final form for the purposes of regulation at a date prior to August 15, 2019.
- B. City Council adopts the proposed Flood Damage Prevention Ordinance, the Final Flood Insurance Rate Maps (FIRMs) and the corresponding Flood Insurance Study (FIS) and makes all three documents effective in final form for all purposes on August 15, 2019. It has been suggested by FEMA that the adoption be approved as soon as possible so the public is aware of the schedule, and effective date be listed in the adopting ordinance as August 15, 2019.





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1. Cost – Undetermined - City of Galveston Citizens would be heavily impacted if there were a loss of flood insurance.
2. Timing – Must be in effect no later than August 15, 2019

#### IV. Recommendation

The City adopt the 2018 Final Flood Insurance Rate Maps with the corresponding Final Flood Insurance Study and the Flood Damage Prevention Ordinance. To make all three documents effective for regulatory purposes on June 15, 2019 so as to make the public aware of the new maps/requirements through a public information campaign.

#### V. Fiscal Impact Report

Requested by	David Ewald Building Official, Floodplain Manager
Funding Source	N/A
Savings Estimation	City of Galveston Citizens would be heavily impacted if there were a loss of flood insurance.

#### Attachments:

Proposed Flood Damage Prevention Ordinance with version showing changes only;  
The Final Flood Insurance Rate Maps; available on website  
Final Flood Insurance Study (FIS); available for review in the Building Division.

**Respectfully Submitted,**

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**Tim Tietjens**  
**Director of Development Services**

