

ORDINANCE NO. 371

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA AMENDING SECTIONS 3.04.002, 3.04.003, AND 3.04.004, ARTICLE 3.04 OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF BANDERA, ENTITLED "FLOOD DAMAGE PREVENTION ORDINANCE" PROVIDING FOR DEFINITIONS, AND GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION, SEVERABILITY, PENALTIES FOR NON-COMPLIANCE AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bandera previously adopted Ordinance No. 250 which made specific findings that are hereby incorporated herein as if set forth in their entirety; and

WHEREAS, the City Council seeks to promote the health, safety and general welfare of the community by preventing death, injuries and property damage within the City limits; and

WHEREAS, the Legislature of the State of Texas has, in Texas Water Code, §16.315, delegated the authority to local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the City Council hereby finds and determines that it is in the best interest of the health, safety and welfare of the citizens of Bandera to amend Ordinance No. 250.

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

SECTION 1. AMENDMENT

This Ordinance amends Chapter 3, Article 3.04 of the City of Bandera Code of Ordinances as set forth in the attached **Exhibit A**.

SECTION 2. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 3. SAVINGS CLAUSE.

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Bandera under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

SECTION 4. CUMULATIVE.

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 5. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

SECTION 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED, this 6th day of April 2020.


Suzanne Schauman
Mayor

ATTEST:



Jill Shelton
City Secretary

EXHIBIT A

CODE AMENDMENT

SECTIONS 3.04.002, 3.04.003, 3.04.004, AND 3.04.005 ARTICLE 3.04 OF CHAPTER 3 OF THE CITY CODE OF ORDINANCES IS HEREBY AMENDED AS FOLLOWS. DELETIONS ARE NOTED AS STRIKETHROUGH AND ADDITIONS ARE NOTED AS UNDERLINED:

Sec. 3.04.002 Definitions

Base flood. The flood having a 1-percent chance of being equaled or exceeded in any given year. The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

Sec. 3.04.003 Penalty

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 \$2,000 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that such violation shall be a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 3.04.004 General provisions

(b) Basis for establishing 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 (FIS) for ~~Bandera, Texas~~ dated July 27, 2989, with accompanying Flood Insurance Rate Maps and/or Flood Boundary Floodway Maps (FIRM and/or FBFM) dated July 27, 2989 Bandera County, Texas and Incorporated Areas" Revised May 15, 2020, with accompanying Flood Insurance Rate Maps (FIRM) Revised May 15, 2020, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 3.04.005 Administration

(F) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Commission on Environmental Quality and Texas Water Development Board ~~is the state water development board~~, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.