

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AMENDING SECTIONS 9-11-3 THROUGH 9-11-5 OF THE MESA CITY CODE PERTAINING TO FLOODPLAIN REGULATIONS AND THE NATIONAL FLOOD INSURANCE PROGRAM, AND ADOPTING BY REFERENCE FLOODPLAIN MANAGEMENT REGULATIONS, A FLOOD INSURANCE STUDY, AND FLOOD INSURANCE RATE MAPS.

**WHEREAS**, the City joined the National Flood Insurance Program (NFIP) as a separate community on March 5, 1980, and under the NFIP, is the entity responsible for floodplain management within the City of Mesa; and

**WHEREAS**, the continued participation in the NFIP is in the best interest of the citizens of the City of Mesa; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) published a countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for “Maricopa County, Arizona and Incorporated Areas” with an effective date of September 18, 2020, and each community that participates in the NFIP is required to adopt floodplain management regulations consistent with Federal and State criteria; and

**WHEREAS**, The City has elected not to assume floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as District Dependent; and

**WHEREAS**, the City of Mesa has previously deferred, and desires to continue to defer, the responsibility of floodplain management to the Flood Control District of Maricopa County as provided for in A.R.S. § 48-3609 of the Arizona Revised Statutes; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, AS FOLLOWS:

Text written in <b>BOLD ALL CAPS</b> indicates new language. <del>Strikethrough</del> fonts indicate deletions.
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SECTION 1. That Title 9, Chapter 11, Section 3 of the Mesa City Code entitled “ELEVATION CERTIFICATE” is hereby amended as follows:

9-11-3: ELEVATION CERTIFICATE:

No Certificate of Occupancy, Certificate of Completion, or Temporary Certificate of Occupancy shall be issued by the City until the applicant provides to the City an **APPROVED FINISHED CONSTRUCTION** Elevation Certificate approved by the Flood Control District of Maricopa County.

SECTION 2. That Title 9, Chapter 11, Section 4 of the Mesa City Code entitled “FLOODPLAIN MANAGEMENT REGULATIONS” is hereby amended as follows:

9-11-4: FLOODPLAIN MANAGEMENT REGULATIONS:

That certain public document entitled “Floodplain Management Regulations for Maricopa County” dated and amended on ~~June 25, 2014~~ **JANUARY 17, 2018, AND ALL SUBSEQUENT AMENDMENTS AND REVISIONS** ~~as may be amended from time to time~~, a copy of which shall be kept on file in the Office of the City Clerk, is hereby adopted **BY REFERENCE** as the legal basis for implementing floodplain management in the City of Mesa.

SECTION 3. That Title 9, Chapter 11, Section 5 of the Mesa City Code entitled “SPECIAL FLOOD HAZARD AREAS” is hereby amended as follows:

9-11-5: SPECIAL FLOOD HAZARD AREAS:

Those certain public documents entitled “Flood Insurance Study for Maricopa County, Arizona, and Incorporated Areas” dated ~~October 16, 2013~~ **SEPTEMBER 18, 2020** with accompanying “Flood Insurance Rate Maps” dated ~~October 16, 2013~~ **SEPTEMBER 18, 2020, AND ALL SUBSEQUENT AMENDMENTS AND REVISIONS TO EACH** ~~as each may be amended from time to time, a copy~~ **COPIES** of each **WHICH** shall be kept on file in the Office of the City Clerk, are hereby adopted by reference and are referred to herein as the “Flood Study” and “Rate Maps.” The Flood Study and Rate Maps are the basis for establishing the Special Flood Hazard Areas for floodplain management in the City of Mesa. The Special Flood Hazard Areas documented in the Flood Study and Rate Maps are the minimum area of applicability of the Floodplain Management Regulations. These Special Flood Hazard Areas may be changed and supplemented by amendments to the Flood Study and Rate Maps and by studies for other areas as allowed in the Floodplain Management Regulations.

SECTION 4: RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 5: EFFECTIVE DATE. The effective date of this Ordinance shall be 30 days following adoption by the Mesa City Council.

SECTION 6: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 7: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 1st day of June, 2020.

APPROVED:

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Mayor

ATTEST:

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City Clerk