

ORDINANCE NO. 2017-12

AN ORDINANCE OF THE CITY OF SIMONTON, TEXAS, AMENDING CERTAIN SECTIONS OF CHAPTER 8, "BUILDINGS AND BUILDING REGULATIONS," OF THE CITY OF SIMONTON CODE OF ORDINANCES BY INCREASING THE MINIMUM CONSTRUCTION ELEVATION ABOVE BASE FLOOD ELEVATION TO 24 INCHES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000 PER VIOLATION; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, multiple historic flooding events have impacted the City of Simonton (the "City") in recent years; and

WHEREAS, the legislature of the state has in the Flood Control and Insurance Act, Texas Water Code § 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the City Council finds it necessary to increase the minimum elevation of structures above base flood elevation to protect the health, safety, and welfare of the public and minimize flood losses;

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

Section 1. That Section 8-159(a), "Permit procedures" of Chapter 8, "Buildings and Building Regulations," of the City of Simonton Code of Ordinances ("City Code") is amended to read as follows.

"Sec. 8-159. - Permit procedures.

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him or 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:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures shall be a minimum of ~~42~~ 24 inches above the base flood elevation as established by the latest FIS and FIRM;
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 8-190~~(3)(1)(b)~~;
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with section 8-158(1)."

Section 2. That Section 8-190, "Specific standards" of Chapter 8, "Buildings and Building Regulations," of the City Code is amended to read as follows.

"Sec. 8-190. - Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 8-124, 8-158(8) or 8-191(3), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to a minimum of ~~42~~ 24 inches above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 8-159(a)(1), is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of ~~42~~ 24 inches above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision;
or
 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of ~~42~~ 24 inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4)b.4 of this section be elevated so that either:

1. The lowest floor of the manufactured home is a minimum of ~~12~~ 24 inches above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles*. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of section 8-159(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions."

Section 3. That Section 8-192, "Standards for areas of shallow flooding (AO/AH zones)" of Chapter 8, "Buildings and Building Regulations," of the City Code is amended to read as follows.

Sec. 8-192. - Standards for areas of shallow flooding (AO/AH Zones).

Located within the areas of special flood hazard established in section 8-158 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated a minimum of ~~12~~ 24 inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures must:
 - a. Have the lowest floor (including basement) elevated a minimum of ~~12~~ 24 inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

- b. Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 8-159 are satisfied.
 - (4) ~~Require~~ Within Zone AH or AO, adequate drainage paths around structures on slopes are required, to guide floodwaters around and away from proposed structures.”

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Simonton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of said ordinances save and except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at this time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim, or lawsuit that has been initiated or has arisen under or pursuant to any of the ordinances or sections thereof that have been specifically repealed on the date of adopting of this Ordinance shall continue to be governed by the provisions of such ordinance or section thereof and for that purpose the ordinance or section thereof shall remain in full force and effect.

Section 6. Any person that violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

Section 7. This Ordinance, with the exception of Section 6, shall be effective immediately upon adoption. Section 6 of this Ordinance shall be effective upon adoption and publication of this Ordinance or a caption that summarizes the purpose of this Ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED on this 26 day of September, 2017.

ATTEST:



City Secretary



Louis Boudreaux, Mayor