

ORDINANCE NO. 2012-33

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 50 (FLOOD DAMAGE PREVENTION) OF THE BURNET CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES, PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, in Zone A areas, the need to require reasonable utilization of base flood elevation and floodway data contained in a flood study is premised on the absence of any other base flood elevation or floodway data and the need to protect new or substantially improved structures from flood damage until such time as the flood study data can be incorporated into revised flood insurance rate maps.

WHEREAS, the ordinances of the City of Burnet establishing a flood management program within the City and directing the appointment of the Building Official as the Floodplain Administrator, should be amended to allow more flexibility in the selection of the individual to serve this City as the Floodplain Administrator.

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

Section 1. Findings of Fact:

- a. The City of Burnet had a drainage and flood study conducted to establish the floodway and base flood elevations for that portion of Delaware Creek, beginning at Highway 281 South and ending approximately 3,000 feet upstream. This area was previously and unstudied Zone A.
- b. The City of Burnet Code of Ordinances states the Building Official is appointed as the City Floodplain Administrator. This amendment, directing the City Manager to appoint the individual as Floodplain Administrator, will allow for greater flexibility in the management of employees and the administration of the City of Burnet flood damage prevention program.

Section 2. Repeal of Conflicting Ordinances. All ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

Section 3. Amendment of the Code of Ordinances. Chapter 50, Article 3, Section B and Article 4, Section A of the Burnet Code of Ordinances is hereby amended and replaced in their entirety with the following:

Article 3

Section B. Basis For Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Administration in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Burnet County, Texas and Incorporated Areas" dated 15 March 2012 (Revision Date), with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated 15 March 2012, the Zone A Drainage Study, Base Flood Elevation Study of Delaware Creek, Burnet, Texas, dated October 2012, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Article 4

Section A. Designation of the Floodplain Administrator

The City Manager shall appoint 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.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.


Section 6. Effective Date. This ordinance shall take effect immediately upon the final reading and adoption by City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on First Reading this 23rd day of October, 2012.

FINALLY PASSED AND APPROVED on this 8th day of November, 2012.

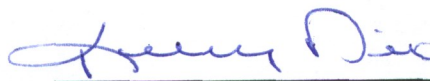


CITY OF BURNET



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary