

ORDINANCE NO. 759

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 151 OF THE CODE OF THE TOWN OF PAYSON, ARIZONA, BY REFERENCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, PERTAINING TO FLOOD DAMAGE PREVENTION.

WHEREAS, A.R.S. § 48-3610 enables the Town of Payson to adopt regulations in conformity with A.R.S. § 48-3603 designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the control of flood hazards is necessary for the public health, safety and general welfare of the citizens of the Town of Payson; and

WHEREAS, the Code of the Town of Payson, Arizona, has been adopted by reference as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, by Resolution Number 2477, the Town of Payson has declared the amendment of Chapter 151 of the Code of the Town of Payson set forth therein to be a public record; and

WHEREAS, the Town of Payson desires to adopt said amendment of the Code of the Town of Payson as a public record pursuant to this Ordinance and A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 151 of the Code of the Town of Payson, Arizona, shall be and is hereby amended, and as amended shall read as said Chapter is set forth in and made a public record by Resolution Number 2477, duly enacted by the Mayor and Common Council of the Town of Payson, Arizona. Said amended Chapter 151 of the Code of the Town of Payson, Arizona, as set forth in Resolution Number 2477, is hereby referred to, adopted, and made a part hereof and of the Code of the Town of Payson, Arizona, as set forth in Resolution Number 2477, as if fully set forth in this Ordinance Number 759.

Section 2. Three copies of said amended Chapter 151 of the Code of the Town of Payson are on file and shall be maintained and available for public inspection in the Office of the Town Clerk of the Town of Payson.

Section 3. It is unlawful for any person to divert, retard, or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the Floodplain Board.

1st Reading & Public Hearing MAR 19 2009 G. 3
2nd Reading & Public Hearing APR 02 2009 G. 2B

Section 4. Except as otherwise provided in A.R.S. § 48-3613, any person found guilty of violating any provision of Chapter 151 of the Code of the Town of Payson, Arizona, shall be punished as set forth in Section 10.99 of the Code of the Town of payson.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 759 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 759. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 759 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2009, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

SUMMARY OF AGENDA ITEM

DATE: 03-19-09

SUBMITTED BY: LaRon G. Garrett

ORDINANCE # 759

TITLE: AN ORDINANCE AMENDING CHAPTER 151 OF CODE OF THE TOWN OF PAYSON PERTAINING TO FLOODPLAIN DAMAGE PREVENTION

PURPOSE:

To bring the Town of Payson Flood Plain Management Ordinance into compliance with the "State of Arizona Floodplain Management Model Ordinance. The Model Ordinance incorporates wording changes made necessary by national and state requirement and code changes.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

The changes were basically minor in nature. Most of the necessary changes pertained to definitions of items concerning Floodplain Management. There were also some changes pertaining to the format for submitting technical data for floodplain review, biennial reporting, and a requirement to show the base flood elevation in all special flood hazard areas for all new lots in subdivisions of more than 50 lots or more than 5 acres.

RECOMMENDED COUNCIL ACTION:

Adoption of this Ordinance

BACKGROUND:

Periodically (every 5 – 7 years) the Arizona Department of Water Resources (ADWR) reviews the practices of each municipality to determine compliance with the National Flood Insurance Program. The Town of Payson was reviewed on August 20, 2008 with a visit from ADWR personnel. In January, 2009 we received a letter explaining the findings of that visit. Among the findings was a deficiency in the Town's Floodplain Damage Prevention Ordinance. The Town's current ordinance was adopted in 2002. Since that time there have been changes to federal and state requirements pertaining to floodplain damage prevention. The state has provided a model ordinance that addresses these changes. They requested that the Town adopt the updated provisions of the current model ordinance. This update is the purpose of Ordinance No. 759. The Legal Department has included the required provisions of the model ordinance into the proposed Ordinance No. 759.

Resolution No. 2477

is provided for

information only

at the 3/19/09 Council meeting.

Resolution No. 2477

will be placed on the agenda

of the 4/2/09 Council meeting

for Council consideration

and possible action.