CITY OF RIO VISTA CITY COUNCIL

JEFF FARAIZL
Council Member Place 1

JAY JOHNSON
Council Member Place 2

TIM DALAN
Mayor

RUTH HARDIN
Mayor Pro Tem, Place 3

Denise Nix
Assistant City Secretary

BRENDA HALL
Council Member Place 4

GEORGIA JONES
Council Member Place 5

ORDER NO. 2020-0421

THE STATE OF TEXAS §
§ **April 21, 2020**
CITY OF RIO VISTA §
COUNTY OF JOHNSON

RIO VISTA CITY COUNCIL APPROVAL OF THE MAYORAL DECLARATION OF A LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, the Mayor of the City of Rio Vista has determined that extraordinary measures must be taken to alleviate further spread of the COVID-19 virus; and

WHEREAS, the Mayor of the City of Rio Vista on the 21st day of April, 2020 issued a Declaration of Local Disaster Due to Public Health Emergency; and

WHEREAS, the Rio Vista City Council has determined that a Declaration of Local Disaster Due to Public Health Emergency for the City of Rio Vista should continue for a period of more than seven days for the health and safety of the public.

A motion was made by Council Member Jeff Faraizl, Place 1 and seconded by Council Member Brenda Hall, Place 4 that: "A Declaration of Local State of Disaster Due to Public Health Emergency issued by Mayor Tim Dalan on April 21, 2020, at 7:20 p.m. be continued for a period of more than seven days for the health and safety of the public and that said Declaration of Local State of Disaster Due to Public Health Emergency continue in effect until May 13, 2020."

Said motion was approved by a vote of the City Council on the 21st day of April, 2020.

NOW THEREFORE BE IT RESOLVED AND ORDERED: The Rio Vista City Council, Johnson County, Texas does hereby enter this order the Declaration of Local State of Disaster Due to Public Health Emergency that was issued by Mayor Tim Dalan on April 21, 2020, at 7:20 p.m. be continued for a period of more than seven days for the health and safety of the public and that said Declaration of Local State of Disaster Due to Public Health Emergency continue in effect until May 13, 2020.

GIVEN UNDER OUR HAND AND THE SEAL OF CITY OF RIO VISTA THIS 21st DAY OF April, 2020.

Tim Dalan, Mayor of Rio Vista
Voted: ___ yes, ___ no, X abstained

Jeff Faraizl, Council Member Place 1
Voted: ✓ yes, ___ no, ___ abstained

Jay Johnson, Council Member Place 2
Voted: ✓ yes, ___ no, ___ abstained

Ruth Hardin, Mayor Pro Tem, Place 3
Voted: ✓ yes, ___ no, ___ abstained

Brenda Hall, Council Member Place 4
Voted: ✓ yes, ___ no, ___ abstained

Georgia Jones, Council Member Place 5
Voted: ✓ yes, ___ no, ___ abstained

Attested to: _____
Assistant City Secretary

CITY OF RIO VISTA MAYORAL DECLARATION OF A LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, a novel coronavirus, now designated SARS-Co V2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death, and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and thereafter Johnson County declared a local state of disaster, due to public health emergency; and

WHEREAS, on or about Thursday, March 19,2020, Texas Governor Greg Abbott issued Executive Order GA-08 providing further guidance in addressing COVID-19 preparedness and mitigation; and WHEREAS, multiple jurisdictions in Texas have issued either declarations, executive orders or enacted ordinances in an effort to address COVID-10.

WHEREAS, the City of Rio Vista, is taking extraordinary measures to prevent the spread of the potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code; and

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF RIO VISTA, TEXAS:

SECTION 1. That a local state disaster for public health emergency is hereby declared for City of Rio Vista, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. Pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue for a period of not more than seven (7) days from the date of this Declaration, unless approved by the Rio Vista City Council.

SECTION 3. Pursuant to Section 418.108(c) of the Texas Government Code this Declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary' Office.

SECTION 4. Pursuant to Section 418.108(d) of the Texas Government Code, this Declaration of a local state of disaster activates the City of Rio Vista's emergency management plan and authorizes the furnishing of aid and assistance under the Declaration.

SECTION 5. This Declaration authorizes the City to take any actions necessary to promote health and suppress the virus,

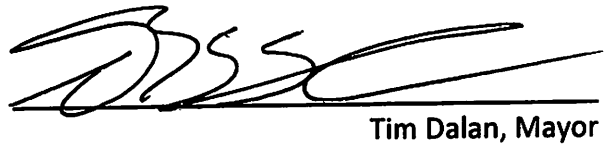
SECTION 6. This Declaration hereby incorporates by reference the provisions of any Executive Order or similar directive issued by the President of the United States, the Governor of the State of Texas, and the County Judge of Johnson County, Texas.

SECTION 7. This Declaration hereby authorizes the use of all lawfully available enforcement tools in accordance with §418.173 of the Texas Government Code.

SECTION 8. The City of Rio vista shall promptly provide copies of this Declaration by posting on the City of Rio Vista website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Declaration, or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Declaration.

SECTION 9. This Declaration shall take effect immediately.

SO, DECLARED AND ORDERED ON THIS THE 21ST DAY OF APRIL 2020.



Tim Dalan, Mayor

CITY ORDINANCE ADOPTING

THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

ORDINANCE NO. 12082009

AN ORDINANCE ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT BY THE CITY OF RIO VISTA.

WHEREAS, on February 28, 2003, the President issued Homeland Security Presidential Directive (HSPD) – 5 that directed the Department of Homeland Security, in cooperation with representatives of federal, state, and local government, to develop a National Incident Management System (NIMS) to provide a consistent approach to the effective management of situations involving natural disasters, man-made disasters or terrorism; and

WHEREAS, the final NIMS was released on March 1, 2004, and

WHEREAS, the NIMS contains a practice model for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major and national hazards situations, and

WHEREAS, the HSPD-5 requires that state and local governments adopt the NIMS by fiscal year 2005 as a pre-condition to the receipt of federal grants, contract and activities related to the management and preparedness for certain disaster and hazard situations; and

WHEREAS, the City Council for the City of Rio Vista desires to adopt the NIMS as required by HSPD-5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO VISTA:

Hereby adopts the National Incident Management System dated March 1, 2004.

First reading this the 10th, day of November, 2009.

READ AND APPROVED AND ADOPTED on second reading this the 8th day of December, 20 09.

Wm.Keith Hutchison, Mayor
City of Rio Vista, Texas

ATTEST:

Brenda Marbut

Brenda Marbut, City Secretary

60.3 (b) **FLOOD DAMAGE PREVENTION ORDINANCE**

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the {*City*} of {*Rio Vista*}, Texas, does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of {*Rio Vista*} are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development, which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 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.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – 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.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction

of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters.
(2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA – see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of {Rio Vista}.

SECTION B. BASIS FOR ESTABLISHING THE 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 Johnson County, Texas and Incorporated Areas, dated January 6, 1999, with Flood Insurance Rate Map (FIRM), dated September 27, 1991 & January 6, 1999; and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The {Mayor or designee} is hereby appointed 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 B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/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:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(e) Maintain a record of all such information in accordance with Article 4, Section (B) (1).

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (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 2 feet 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 Article 4, Section C (1) a., 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 2 feet above the base flood level 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 1 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 1 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 FIRM shall be installed using methods and practices that 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 that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) 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 to 2 feet 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 paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at 2 feet above the base flood elevation, or

(ii) 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.

SECTION C. <u>STANDARDS FOR SUBDIVISION PROPOSALS</u>

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) Base flood elevation data, with the establishment of a floodway, shall be generated by a detailed engineering study for all Zone A areas, within 100 feet of the contour lines of Zone A areas, and other streams not mapped by FEMA, as indicated on the community's FIRM.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(6) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION E. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order 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 court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $*2000.00* for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate

offense. Nothing herein contained shall prevent {City} from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION F. CERTIFICATION OF ADOPTION

APPROVED: _____
Mayor, City of Rio Vista

PASSED: **SEPTEMBER 14, 2010**
(adoption date)

ORDINANCE BECOMES EFFECTIVE: **SEPTEMBER 14, 2010**
(effective date)

I, the undersigned, { Mayor, Wm. Keith Hutchison }, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the {City} at a regular meeting duly convened on { September 14, 2010 }.

Brenda Marbut
City Secretary, Brenda Marbut

{SEAL}

FLOODPLAIN ADMINISTRATOR

_____, Texas ____

DEVELOPMENT PERMIT APPLICATION
$_____PERMIT FEE

STATE OF TEXAS §
COUNTY OF _____ §
APPLICATION NUMBER _____ §

1. NAME OF APPLICANT:
MAILING ADDRESS:

2. LOCATION OF PROPERTY (complete as appropriate)
If located in a subdivision:

Name of Subdivision Section No. Block No. Lot No.

If NOT located in subdivision:

Name and No. of Survey/Abstract Acreage
Location Description (Attach a vicinity map)

3. NATURE OF PROPOSED DEVELOPMENT (check and complete all that apply)

( ) Residential ( ) Placement of Fill ( ) Other

( ) Alteration of a Natural Waterway or Drainage Course

( ) Non-Residential Name and Type of Business _____

( ) New Construction ( ) Substantial Improvement to Existing Structure

WARNING: Please read and acknowledge.
The flood hazard boundary maps and other flood data used by the _____ Floodplain Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of an exemption certificate does not imply that developments outside the identified areas of special flood hazard will be free from flooding or flood damage. Issuance of an exemption certificate shall not create Liability on the part of _____, the_____ Floodplain Administrator or any officer or employee of _____ in the event flooding or flood damage does occur.

Additional federal, state or local, permits may be required.

Signature_____ Date: _____

4. APPLICANT WILL PROVIDE ONE COPY OF PLANS AND SPECIFICATIONS OF THE PROPOSED CONSTRUCTION, IF IN A FLOOD PLAIN.

FOR USE BY FLOODPLAIN ADMINISTRATOR

Is the property located in an identified flood hazard area? ( )Yes ( )No
Is the property located in the floodway? ( )Yes ( )No
FIRM Zone Designation is: _____ FIRM Panel No. _____ Dated _____
Base Flood Elevation at the site is _____ft NGVD (MSL) or is unavailable _____
Is additional information required (including Letter of Map Change)? ( )Yes ( )No
Ensure that applicant is receiving the necessary federal, state, or local permits. ( )Yes ( )No
( ) Variance Issued
( ) Permit Application Approved
( ) Permit Application Denied

Floodplain Administrator_____ Date: _____

THIS PERMIT IS VALID FOR ONE YEAR FROM DATE ISSUED AND WILL NEED TO BE RENEWED IF WORK IS NOT COMPLETED AT THAT TIME

FLOODPLAIN ADMINISTRATOR

_____, Texas _____

DEVELOPMENT PERMIT APPLICATION
$_____PERMIT FEE

STATE OF TEXAS §
COUNTY OF _____ §
APPLICATION NUMBER _____ §

1. NAME OF APPLICANT:
MAILING ADDRESS:

2. LOCATION OF PROPERTY (complete as appropriate)
If located in a subdivision:

Name of Subdivision Section No. Block No. Lot No.

If NOT located in subdivision:

Name and No. of Survey/Abstract Acreage
Location Description (Attach a vicinity map)

3. NATURE OF PROPOSED DEVELOPMENT (check and complete all that apply)

( ) Residential ( ) Placement of Fill ( ) Other

( ) Alteration of a Natural Waterway or Drainage Course

( ) Non-Residential Name and Type of Business _____

( ) New Construction ( ) Substantial Improvement to Existing Structure

WARNING: Please read and acknowledge.
The flood hazard boundary maps and other flood data used by the _____ Floodplain Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of an exemption certificate does not imply that developments outside the identified areas of special flood hazard will be free from flooding or flood damage. Issuance of an exemption certificate shall not create Liability on the part of _____, the_____ Floodplain Administrator or any officer or employee of _____ in the event flooding or flood damage does occur.

Additional federal, state or local, permits may be required.

Signature_____ Date: _____

4. APPLICANT WILL PROVIDE ONE COPY OF PLANS AND SPECIFICATIONS OF THE PROPOSED CONSTRUCTION, IF IN A FLOOD PLAIN.

FOR USE BY FLOODPLAIN ADMINISTRATOR

Is the property located in an identified flood hazard area? ( )Yes ( )No
Is the property located in the floodway? ( )Yes ( )No
FIRM Zone Designation is: _____ FIRM Panel No. _____ Dated _____
Base Flood Elevation at the site is _____ft NGVD (MSL) or is unavailable _____
Is additional information required (including Letter of Map Change)? ( )Yes ( )No
Ensure that applicant is receiving the necessary federal, state, or local permits. ( )Yes ( )No
( ) Variance Issued
( ) Permit Application Approved
( ) Permit Application Denied

Floodplain Administrator_____ Date: _____

THIS PERMIT IS VALID FOR ONE YEAR FROM DATE ISSUED AND WILL NEED TO BE RENEWED IF WORK IS NOT COMPLETED AT THAT TIME

Brenda Marbut

From: Leon Curtis [Leon.Curtis@twdb.state.tx.us]
Sent: Thursday, July 22, 2010 12:29 PM
To: thecityofriovista@windstream.net
Cc: rob.connell@dhs.gov; Michael Segner; Shawn Snyder
Subject: City of Rio Vista, Johnson County, TX, Model FEMA Ordinance
Attachments: Rio Vista ,City, ORD, Johnson County, Texas, mod B.doc; sample_ PC permit_form.rtf

Brenda

See attached copy of Model FEMA Ordinance with higher standards,which is required to be adopted by your City Council, as FEMA will send you a letter addressing this issue in about 6 to 8 months. You can adopt the ordinance now, and when you receive the letter later from FEMA it will not be necessary to re-adopt the ordinance. Please mail original signed and sealed copy of adopted Ordinance to FEMA (address below), and also mail me (see my address below) a signed copy of adopted ordinance.

Also see attached sample permit form that you can modify for use by City for any development in the FEMA Special Flood Hazard Area (Zone A areas of flood map).

Please call me so we can discuss issues.

Adoption date is the day the ordinance is passed by city council.

Change high lighted ordinance info in blue to black. Community official is the Mayor. Certifying official is City Secretary.

FEMA address to mail info:

FEMA Region VI Office
Federal Regional Center
Attn: Rob Connell
800 North Loop 288
Denton, TX 76209

My address to mail info:

J. Leon Curtis, P.E., CFM
Program Specialist
Texas Water Development Board
National Flood Insurance Program
Mesquite Field Office
801 W. Kearney, Suite 200
Mesquite, TX 75149
972-285-8078
972-289-9891 Fax

If you have any questions please contact me.

Thank you.

Leon

U.S. Department of Homeland Security
FEMA Region 6
800 North loop 288
Denton, TX 76209-3698

FEMA

May 12, 2010

The Honorable William Keith Hutchinson
Mayor, Village of Rio Vista
P O Box 129
Rio Vista, TX 76093

Dear Mayor Hutchinson:

This letter will confirm that on May 6, 2010, a Final Community Coordination Meeting (CCO) was held to present the preliminary county-wide Flood Insurance Study (FIS) and the preliminary Digital Flood Insurance Rate Map (DFIRM) for Johnson County and incorporated communities. Unfortunately the City was unable to attend this important meeting. As explained and discussed at the meeting, the FIS updates the previous Flood Insurance Studies and/or Flood Insurance Rate Map for the County and incorporated communities.

As discussed during the meeting, within 3 to 4 weeks, the availability of the preliminary maps will be published in the local newspaper. Once the notice appears a 90-day comment period begins. This 90-day period will allow all citizens within Johnson County and the communities therein to protest or comment the information depicted on the maps. Once the comments or protests are resolved, the communities will have a period of six months before the flood maps will become effective. During that six month period, your community must adopt an acceptable ordinance that meets or exceeds the minimum requirements of 44 CFR Section 60.3. Such an ordinance must be approved by this office prior to the effective date of the Flood Insurance Rate Map (FIRM) to ensure the continued eligibility in the NFIP for your community. If you would like me to send you a model ordinance that meets the needs of your jurisdiction, please contact me at the address above or by calling (940) 898-5240.

"When detailed data are unavailable, as in Zone A areas, the community is required as a participant in the NFIP to "obtain, review, and reasonably utilize any base flood elevation and floodway data available" to enforce floodplain management regulations as stipulated in 44 CFR 60.3. Therefore, data included on the preliminary digital FIRM should be implemented for those purposes. However, the

Flood Insurance Study/FIRM does not become effective for insurance rating purposes until it is officially printed by FEMA with an effective date.

If you should have any questions concerning the adoption of the ordinance or the administration of the program regulations, please feel free to contact me. You may also e-mail me at: rob.connell@dhs.gov.

Sincerely,

Rob Connell, CFM
Natural Hazards
Program Specialist

cc: James Lyles, Director of Public Works, Village of Rio Vista
Diane Calhoun, PM, CFM, Michael Baker
Michael Segner, CFM, NFIP Coordinator, TWDB