

ORDINANCE NO. 03-2019-367

AN ORDINANCE OF THE CITY OF CROWLEY, TEXAS AMENDING SECTION 94-20 "STATUTORY AUTHORIZATION", SECTION 94-26 "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD", AND SECTION 94-48 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR." OF THE CROWLEY CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crowley, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Crowley heretofore adopted Chapter 94 of the Crowley Code of Ordinances, which regulates the use and development of land to prevent flooding and to comply with regulations established by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Crowley Code of Ordinances must be amended to meet recent changes to FEMA's requirements;

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

SECTION 1.

That Section 94-20 "Statutory authorization" of Chapter 94 "Floods" is hereby amended to read as follows.

The legislature of the state has in V.T.C.A., Water Code § 16.315 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council adopts this article.

SECTION 2.

That Section 94-26 "Basis for establishing the areas of special flood hazard" of Chapter 94 "Floods" is hereby amended to read as follows.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the current scientific and engineering reports entitled, "The Flood Insurance Study (FIS) for Johnson County and Incorporated Areas," dated April 5, 2019 with accompanying flood insurance rate maps (FIRM) dated April 5, 2019 and "The Flood Insurance Study (FIS) for Tarrant County and Incorporated Areas," dated March 21, 2019 with accompanying flood insurance rate maps (FIRM) dated March 21, 2019 and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

SECTION 3.

That Sub-Section 94-48(a)(6), Section 94-48 "Duties and responsibilities of the floodplain administrator", of Chapter 94 "Floods" is hereby amended to read as follows.

- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the North Central Council of Government prior to any alteration or relocation of a watercourse, and submit evidence of such notification to Texas Water Development Board, the Texas Commission on Environmental Quality, and the Federal Emergency Management Agency.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Crowley, Texas, and the zoning ordinances as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

All rights and remedies of the City of Crowley are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire, safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

The City Secretary of the City of Crowley is hereby directed to publish in the official newspaper of the City of Crowley, the caption, penalty clause, and effective date clause of this ordinance as authorized by the City Charter and Section 52.013 of the Local Government Code.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 7th DAY OF March, 2019.


CITY OF CROWLEY


Billy P. Davis, Mayor

ATTEST:


Carol Konhauser, City Secretary

APPROVED AS TO FORM:


Rob Allibon, City Attorney