

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF CITY OF SEDONA, YAVAPAI COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), ADOPTING BY REFERENCE FLOOD INSURANCE STUDY (FIS), FLOOD INSURANCE RATE MAPS (FIRMS), AND FLOODPLAIN MANAGEMENT ORDINANCE (ORDINANCE); ABROGATION AND GREATER RESTRICTIONS; SEVERABILITY; AND PROVIDING FOR PENALTIES.

City of Sedona, located in Yavapai County, has elected NOT to assume floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as District Dependent. City of Sedona shall appoint a Floodplain Administrator who will be responsible for (1) coordinating with Yavapai County Flood Control District staff regarding floodplain management and (2) verifying that the Community's participation in the NFIP is maintained and remains in good standing through adoption and enforcement of this Ordinance.

The City of Sedona Floodplain Administrator shall also be, at a minimum, responsible for the following:

1. Obtain and maintain current FIS and FIRM(s) applicable to the community;
2. Obtain and maintain a copy of the most current "Yavapai County Flood Control District Ordinance, dated January 3, 2018" at the office of the City Clerk;
3. Obtain and maintain evidence of compliance for all applicable development in Special Flood Hazard Areas (SFHAs); and
4. Repeal or modify all existing local ordinances that conflict with this Ordinance.

WHEREAS, the City of Sedona, Arizona joined the NFIP as a separate community on December 20, 1988, and under the NFIP, is the entity responsible for floodplain management within the City; and,

WHEREAS, the continued participation in the NFIP is in the best interest of the citizens of the City of Sedona; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) published a countywide FIS and FIRMs, titled "Flood Insurance Study for Yavapai County, Arizona, and Incorporated Areas," dated March 21, 2023, with accompanying Flood Insurance Rate Maps, dated March 21, 2023, and each community that participates in the NFIP is required to adopt an ordinance that meet the minimum requirements of the NFIP; and,

WHEREAS, A.R.S. § 48-3609 assigns powers and duties for floodplain management to the Yavapai County Flood Control District and the City of Sedona has elected NOT to assume those powers and duties as provided for in A.R.S. § 48-3610; and,

WHEREAS, the Yavapai County Flood Control District has adopted an ordinance to

participate in the NFIP and,

WHEREAS, those certain documents entitled” Flood Insurance Study for Yavapai County, Arizona, and Incorporated Areas,” dated March 21, 2023, with accompanying Flood Insurance Rate Maps, dated March 3, 2023 and “Yavapai County Flood Control District Ordinance”, dated January 3, 2018, and all subsequent amendments and/or revisions are hereby designated as public records.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of City of Sedona, Arizona, as follows:

Section 1. The City of Sedona elects NOT to assume the responsibility of floodplain management from the Yavapai County Flood Control District as provided for in A.R.S. §§ 48-3609; 3610. The City Engineer or designee who is designated as the NFIP Floodplain Administrator for the City, is responsible for coordinating with the Yavapai County Flood Control District and will serve as the community point of contact on NFIP issues for County, State, and Federal officials.

Section 2. Those public records entitled” Flood Insurance Study for Yavapai County, Arizona, and Incorporated Areas,” dated March 21, 2023, with accompanying FIRMs dated March 21, 2023, and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the City Clerk, are hereby adopted by reference as the basis for establishing the SFHAs in the City of Sedona. The SFHAs documented in the FIS and FIRMs are the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas as allowed in this Ordinance.

Section 3. That public record designated as the “Yavapai County Flood Control District Ordinance,” dated January 3, 2018, and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the City Clerk, is hereby adopted as the legal basis for implementing floodplain management in City of Sedona.

Section 4. 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 5. Severability. If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this Ordinance shall remain in full force and in effect.

Section 6. Providing for penalties.

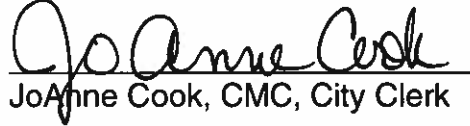
- A. In addition to other penalties or remedies otherwise provided by law, the City or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this

section or regulations adopted pursuant to this article. If a person is found to be in violation of this section, the court shall require the violator to remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.

- B. In addition to the remedies provided in A.R.S. § 48-3613, any violations of this chapter shall be civil code offenses which may be adjudicated and enforced as set forth in Sedona City Code 1.15.010.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Sedona, Yavapai County, Arizona, this 24th day of October, 2023.

ATTESTED:


JoAnne Cook, CMC, City Clerk

APPROVED:


Scott M. Jablow, Mayor

APPROVED AS TO FORM:


Kurt W. Christianson, City Attorney