



CITY OF SOUTH TUCSON ORDINANCE 22 - 07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, PIMA 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.

The City of South Tucson, located in Pima 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 South Tucson shall appoint a Floodplain Administrator who will be responsible for (1) coordinating with the Pima County Regional Flood Control District staff regarding floodplain management and (2) verifying that South Tucson's participation in the NFIP is maintained and remains in good standing through adoption and enforcement of this Ordinance.

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

1. Obtain and maintain current FIS and FIRM(s) applicable to the City of South Tucson;
2. Obtain and maintain a copy of the most current "Pima County Regional Flood Control District Floodplain and Erosion Hazard Management Ordinance" at the office of the City of South Tucson, 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 South Tucson, Arizona joined the NFIP as a separate community on January 31, 1979, and under the NFIP, is the entity responsible for floodplain management within the City of South Tucson; and,

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

WHEREAS, the Federal Emergency Management Agency (FEMA) published a countywide FIS and FIRMs, titled Pima County, Arizona and Incorporated Areas, September 12, 2012, 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 Pima County Regional Flood Control District and the City of South Tucson has elected NOT to assume those powers and duties as provided for in A.R.S. § 48-3610; and,

WHEREAS, the Pima County Regional Flood Control District has adopted an ordinance to participate in the NFIP and,

WHEREAS, those certain documents entitled “Pima County, Arizona and Incorporated Areas, September 28, 2012” and “Pima County Regional Flood Control District Floodplain and Erosion Hazard Management Ordinance 2010-FC5, approved on May 4, 2010”, and all subsequent amendments and/or revisions are hereby designated as public records.

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

Section 1. The City of South Tucson elects NOT to assume the responsibility of floodplain management from the Pima County Regional Flood Control District as provided for in A.R.S. §§ 48-3609; 3610. The City of South Tucson City Manager, or designee, is designated as the NFIP Floodplain Administrator for the City of South Tucson and is responsible for coordinating with the Pima County Regional 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 “Pima County, Arizona and Incorporated Areas” dated September 12, 2012, with accompanying FIRMs dated September 12, 2012 and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the City of South Tucson City Clerk, are hereby adopted by reference as the basis for establishing the SFHAs in the City of South Tucson. 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 “Pima County Regional Flood Control District Floodplain and Erosion Hazard Management Ordinance 2010-FC5,” dated May 4, 2010, and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the City of South Tucson City Clerk, is hereby adopted as the legal basis for implementing floodplain management in the City of South Tucson.

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.

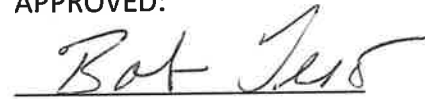
Section 6. Providing for penalties. Penalties for violations of City of South Tucson Ordinance No. 22-07 are found in Pima County Code, Title 16.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of South Tucson, Pima County Arizona, this 20th day of September, 2022.


ATTESTED:


City Clerk, Veronica Moreno

APPROVED:


Mayor, Bob Teso

APPROVED AS TO FORM:


City Attorney, Hector M. Figueroa