TOWN OF GUADALUPE, Arizona
Ordinance No. 2017-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
GUADALUPE, MARICOPA COUNTY, ARIZONA, PERTAINING TO THE NATIONAL
FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE FLOOD
INSURANCE STUDY, FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN
MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

The Town of Guadalupe, located in Maricopa County, Arizona, has elected NOT to assume
floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as
District Dependent. The Town of Guadalupe shall appoint a Floodplain Administrator who
will be responsible for (1) coordinating with County Flood Control District staff regarding
floodplain management and (2) verifying that the Community’s participation in the National
Flood Insurance Program is maintained and remains in good standing through adoption and
enforcement of these Regulations.

The Community Floodplain Administrator shall also be, at a minimum, responsible for the
following:
1. Keep and maintain current Flood Insurance Studies and Flood Insurance Rate Map(s)
   applicable to their community;
2. Keep and maintain copies of the most current “Flood Insurance Study for Maricopa
   County, Arizona, and Incorporated Areas” dated October 16, 2013 and “Flood Insurance
   Rate Maps” dated October 16, 2013” and “Floodplain Management Regulations for
   Maricopa County,” dated June 25, 2014 at the office of the Town Clerk;
3. Keep and maintain elevation certificates (or acceptable records of lowest floor elevations)
   for all structures within the Special Flood Hazard Areas; and
4. Repeal or modify all existing local ordinances that conflict with these Regulations.

WHEREAS, the Town of Guadalupe, Arizona joined the National Flood Insurance Program
(NFIP) as a separate community on April 1st, 1994, and under the NFIP, is the entity responsible
for floodplain management within the Town of Guadalupe, and,

WHEREAS, the continued participation in the NFIP is in the best interest of the citizens of the
Town of Guadalupe; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) published a countywide
Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), “Flood Insurance Study
for Maricopa County, Arizona and Incorporated Areas”, dated October 16, 2013 and “Flood
Insurance Rate Maps for Maricopa County, Arizona and Incorporated Areas”, dated October
16, 2013, and each community that participates in the NFIP is required to adopt floodplain
management regulations consistent with Federal and State criteria; and,
WHEREAS, A.R.S. § 48-3609 assigns powers and duties for floodplain management to the Flood Control District of Maricopa County and the Town of Guadalupe has elected NOT to assume those powers and duties as provided for in A.R.S. §§ 48-3609; and,

WHEREAS, the Flood Control District of Maricopa County has adopted Floodplain Regulations that meet the minimum requirements of the NFIP and,

WHEREAS, those certain documents entitled “Flood Insurance Study for Maricopa County, Arizona and Incorporated Areas”, dated October 16, 2013 and “Flood Insurance Rate Maps for Maricopa County and Incorporated Areas”, dated October 16, 2013 and “Floodplain Regulations for Maricopa County”, dated June 25, 2014, 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 Town of Guadalupe, Arizona, as follows:

Section 1. The Town of Guadalupe elects NOT to assume the responsibility of floodplain management from the Flood Control District of Maricopa County as provided for in A.R.S. §§ 48-3609; 3610. The Town of Guadalupe’s Town Manager is designated as the NFIP Floodplain Administrator for the Town of Guadalupe, is responsible for coordinating with the Flood Control District of Maricopa County, 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 Maricopa County, Arizona and Incorporated Areas” dated October 16, 2013 with accompanying FIRM dates October 16, 2013 and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the Town of Guadalupe’s Town Clerk, are hereby adopted by reference as the basis for establishing the Special Flood Hazard Areas in the Town of Guadalupe. The Special Flood Hazard Areas documented in the FIS and FIRM are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

Section 3. That public record designated as the “Floodplain Regulations for Maricopa County”, dated June 25, 2014, and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the Town of Guadalupe’s Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community.

Section 4. Repeal of conflicting ordinances. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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 effect.
Section 6. Providing for penalties as per the Flood Control District of Maricopa County
"Floodplains Regulations for Maricopa County", dated June 25, 2014, and all subsequent
amendments and revisions that currently reads as follows:

Section 708 Penalties

a. It is a Class 2 Misdemeanor to engage in any Development or to divert, retard or obstruct
the flow of waters in a watercourse without first securing the written authorization of the
District. A violator may be subject to jail and fines.

b. The penalty for the civil offense of violation of Flood Control Districts regulations,
ordinances or rules is a fine not in excess of that which is chargeable for a Class 2
Misdemeanor. Each day the violation continues constitutes a separate offense.

c. All development located or maintained within any Special Flood Hazard Area since
August 8, 1973, in violation of the flood control statutes or regulations without
authorization from the Floodplain Administrator is a public nuisance per se and may be
abated, prevented or restrained by action of this political subdivision.

d. Nothing in this section precludes any private right of action by any person damaged by
another’s unauthorized diversion, retardation or obstruction of a watercourse. Further, the
District is not precluded by anything in these Regulations from pursuing injunctive and
other remedies as provided by law.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the Town of
Guadalupe, Maricopa County, Arizona, this 16th day of February, 2017.

ATTESTED:

Bob Thaxton, Acting Town Clerk

APPROVED:

Valerie Molina, Mayor

APPROVED AS TO FORM:

David Ledyard
Town of Guadalupe Attorney