
Katie M. Hobbs
Governor

Thomas Buschatzke
Director

STATE OF ARIZONA

FLOODPLAIN MANAGEMENT

MODEL ORDINANCE

for

Non-Colorado River District-Dependent Communities

June 2023

This Arizona Floodplain Management Model Ordinance has been developed as a tool to help District-Dependent communities not along the Colorado River meet the minimum requirements of the National Flood Insurance Program (NFIP). Communities choosing not to use this model ordinance must ensure theirs meets the minimum requirements of the NFIP and Arizona Revised Statutes (ARS) Title 48, Chapter 21.



INSTRUCTIONS

The community is to provide community specific information as requested in [brackets].

Please note:

- This model ordinance contains language from the Arizona Revised Statutes (ARS) and the Code of Federal Regulations (CFR). It is recommended to review this language on an annual basis for any amendments to these provisions.
- **Before including the “auto adoption” language in the last WHEREAS and in Section’s 2 and 3, please consult with the community’s attorney regarding the legality of the language. The phrase “and all subsequent amendments and/or revisions” in the last WHEREAS and in Section’s 2 and 3 are intended to allow for all future changes to the community’s Flood Insurance Rate Maps (FIRMs), Flood Insurance Study (FIS), Letters of Map Change (LOMCs), and Physical Map Revisions (PMRs), etc. to be automatically referenced and adopted. IF the “auto adoption” language is not included then the Floodplain Board (i.e., Town/City Council) will need to adopt by ordinance each FIRM or FIS amendment or revision that occurs.**

NFIP Compliance:

This model ordinance meets the minimum standards required to participate in the National Flood Insurance Program (NFIP). Any community may exceed the minimum standards by adopting higher standards. ADWR staff is available to assist in this process.

Adoption:

- Prior to adoption, send a draft to the Arizona Department of Water Resources (ADWR) or the Federal Emergency Management Agency (FEMA), Region IX for review and comment.

- After the floodplain management ordinance is adopted, send a copy, certified by the city/town clerk, to ADWR and FEMA Region IX. An electronic copy is acceptable.

Contact Information:

Arizona Department of Water Resources

Brian Cosson
602-771-8657
btcosson@azwater.gov

Keith Krukowski
602-771-8459
kkrukowski@azwater.gov

**[Community Name], Arizona
Ordinance #####**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF [COMMUNITY NAME], [COUNTY NAME], 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); ABRIGATION AND GREATER RESTRICTIONS; SEVERABILITY; AND PROVIDING FOR PENALTIES.

[Community Name], located in [County Name], has elected NOT to assume floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as District Dependent. [Community Name] shall appoint a Floodplain Administrator who will be responsible for (1) coordinating with [County Name] 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 [Community Name] 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 "[Exact name and date of the county floodplain management ordinance]" at the office of the [City/Town] 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 [Community Name], Arizona joined the NFIP as a separate community on [Date community joined the Regular Program phase of the NFIP], and under the NFIP, is the entity responsible for floodplain management within the [City/Town]; and,

WHEREAS, the continued participation in the NFIP is in the best interest of the citizens of the [Community Name]; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) published a countywide FIS and FIRMs, titled [Exact name and date of the countywide FIS/FIRMs], 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 [County Name] Flood Control District and the [Community Name] has elected NOT to assume those powers and duties as provided for in A.R.S. § 48-3610; and,

WHEREAS, the [County Name] Flood Control District has adopted an ordinance to participate in the NFIP and,

WHEREAS, those certain documents entitled "[Exact name and date of the countywide FIS and FIRMs]" and "[Exact name of the county's floodplain ordinance]", dated [Date], and all subsequent amendments and/or revisions are hereby designated as public records.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of [Community Name], Arizona, as follows:

Section 1. The [Community Name] elects NOT to assume the responsibility of floodplain management from the [County Name] Flood Control District as provided for in A.R.S. §§ 48-3609; 3610. The [City/Town (Title of a community official)] who is [appointed/designated] as the NFIP Floodplain Administrator for the [City/Town], is responsible for coordinating with the [County Name] 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 "[Exact name of the countywide FIS]" dated [Date] with accompanying FIRMs dated [Date], and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the [City/Town] Clerk, are hereby adopted by reference as the basis for establishing the SFHAs in the

[Community Name]. 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 “[Exact name of the county’s floodplain ordinance],” dated [Date], and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the [City/Town] Clerk, is hereby adopted as the legal basis for implementing floodplain management in [Community Name].

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. [Insert the City/Town penalty clause, reference the City/Town ordinance, or make reference to the penalties outlined in the county’s floodplain ordinance].

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the [Community Name], [County Name], Arizona, this ___ day of _____, 202#.

ATTESTED:

APPROVED:

[City/Town] Clerk

[City/Town] Mayor

APPROVED AS TO FORM:

[City/Town] Attorney