

ORDINANCE NO. 1411

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6A OF THE CODE OF THE CITY OF MESQUITE, REFERRED TO AS THE COMPREHENSIVE DRAINAGE ORDINANCE OF 1970 BY REPEALING CHAPTER 6A; BY PROVIDING CERTAIN REQUIREMENTS AND CRITERIA FOR CONSTRUCTION IN AREAS OF SPECIAL FLOOD HAZARDS TO COMPLY WITH THE FLOOD INSURANCE PROGRAM REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6A of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect:

1. Deletions:

Section 6A-7 is hereby deleted

2. Additions:

A New Section 6A-7 is hereby added to the Code of the City of Mesquite to read as follows:

Section 6A-7 - Construction in Areas of Special Flood Hazard

(a) The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM) and Flood Insurance Rate Map (FIRM) for the City of Mesquite, Texas, (Community No. 485490A), and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance.

(b) No residential building or structure, including mobile homes, shall hereafter be erected or relocated, nor shall any existing residential structure be substantially improved, within areas of special flood hazards designated on the Flood Insurance Rate Map, except that the lowest floor, including basement, be elevated to a minimum of two feet above the base flood elevation. A registered professional engineer, registered architect, or registered public surveyor shall submit to the Director of Community Development certification that this requirement is satisfied prior to the issuance of a building permit.

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(c) No non-residential building or structure shall hereafter be erected or relocated, nor shall any existing non-residential structure be substantially improved within areas of special flood hazards designated on the Flood Insurance Rate Map, except that the lowest floor, including basement, be elevated to a minimum of two feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or registered architect shall submit to the Director of Community Development certification that the standards of this sub-section are satisfied. A record of such certificate indicating the specific elevation to which such structures are floodproofed shall be maintained by the Director of Community Development.

(d) No construction or development, including excavation, filling or construction of embankment, shall be allowed within areas of special flood hazard prior to the issuance of a Development Permit by the Director of Community Development. Application for a Development Permit shall be submitted in writing, accompanied by engineering plans and sufficient design data pertaining to the proposed construction to determine whether such construction will adversely affect flow characteristics within the flood hazard area or increase at any point the water surface elevation during the occurrence of the base flood discharge. Engineering data required to be furnished with a permit application shall be prepared by a professional engineer, registered in the State of Texas and experienced in the practice of civil engineering.

(e) All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, within areas of special flood hazard shall include within such proposals base flood elevation data.

(f) All subdivision proposals within areas of special flood hazard shall have public utilities and facilities such as water, sanitary sewer, gas and electrical systems located and constructed to minimize flood damage.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Comprehensive Drainage Ordinance as a whole.

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SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C misdemeanor and subject to the same penalty as provided for in the Comprehensive Drainage Ordinance of 1970, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 5. Whereas, the fact that present ordinances of the City of Mesquite do not adequately protect the public from the hazards of flooding and do not encourage the preservation of open space in its natural state creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

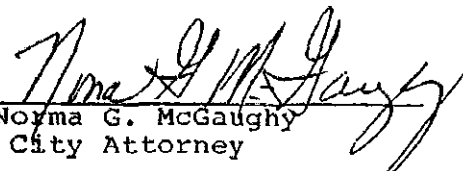
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, on the 19 day of December , A.D., 1977.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Attorney

Elland Archer
City Attorney

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