

STATE OF TEXAS X
CITY OF MAGNOLIA X
COUNTY OF MONTGOMERY X

WHEREAS, the City of Magnolia, Texas wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the minimum requirements of Section 60.3 (b) of the Program Regulations as published by the Federal Emergency Management Agency; and

WHEREAS, under Subchapter I, Section 16.315 of the Texas Water Code, all political subdivisions are authorized to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program;

NOW, THEREFORE, the following measures shall be enacted within the incorporated limits of the City of Magnolia, Texas:

SECTION 1 - DESIGNATION OF CITY FLOODPLAIN ADMINISTRATOR

For purposes of administering this Ordinance, the City Council shall appoint a responsible person to act as the City Floodplain Administrator with assistance from the Council and any other committees as may be deemed necessary.

SECTION 2 - PERMIT APPLICATION REQUIREMENTS

No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure located in the identified floodplain without first submitting a permit application to the City Administrator and obtaining authorization to proceed with the proposed activity.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations shall be commenced within the identified floodplain until a permit application is submitted and authorization is obtained to proceed.

No mobile home shall be placed on improved or unimproved real estate within the identified floodplain without first submitting a permit application and obtaining authorization to proceed.

SECTION 3 - BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD

Areas of special flood hazard are identified on Flood Hazard Boundary Maps published by the Federal Emergency Management Agency for Magnolia, Montgomery County, Texas, Community Number 481261A, and dated May 17, 1977. These maps and any revisions or new publications are hereby adopted by reference and declared to be a part of this Ordinance.

SECTION 4 - PERMIT APPLICATION REVIEW

The City Administrator shall review all permit applications and subdivision proposals to determine whether proposed building sites will be reasonably safe from flooding.

The City Administrator shall review all permit applications and subdivision proposals to determine whether the designated activity is proposed within the identified 100-year floodplain of the City.

The City Administrator shall review all permit applications to assure that all necessary permits have been received from those governmental agencies of the Federal Water Pollution Control Act Amendments of 1972.

The City Administrator shall notify adjacent communities and the Texas Department of Water Resources prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Emergency Management Agency.

The City Administrator shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SECTION 5 - ISSUANCE OF PERMITS

After reviewing the application, the City Administrator shall require any additional measures which are necessary to meet the minimum requirements of this Ordinance. If a proposed activity is not within the identified floodplain, then no permit is required and authorization can be given to proceed.

For permit requirements, the City Administrator shall obtain and reasonably utilize any base flood elevation data available from a Federal, State, or other source until such data has been provided by the Federal Emergency Management Agency.

SECTION 6 - PERMIT REQUIREMENTS

GENERAL STANDARDS - In all areas of special flood hazard, the following provisions are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement;
 - b. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - c. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - f. On-site waste disposal systems (septic tanks) shall be located to avoid impairment to them or contamination from them during flooding.
- SPECIFIC STANDARDS - In all areas where base flood elevation can be obtained, the following additional provisions are required:
- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation;
 - b. All new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated or floodproofed up to or above the base flood level.

SECTION 7 - MOBILE HOME REQUIREMENTS

In all areas of special flood hazard, the following provisions are required:

- a. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors;
- b. Over-the-top ties be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie;
- c. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional per side;
- d. All components of the anchoring system be capable of carrying a force of 4,800 pounds;
- e. Any additions to the mobile home be similarly anchored.

SECTION 8 - STANDARDS FOR SUBDIVISION PROPOSALS

If a subdivision proposal is in the identified floodplain, the following provisions are required:

- a. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
- b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

- c. Adequate drainage shall be provided to reduce exposure to floods;
- d. All subdivisions and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data within such proposals. Plats will have the 10-year floodplain clearly delineated, and the minimum slab elevations will be given for each lot within the floodplain.

SECTION 9 - PERMIT COMPLIANCE CERTIFICATION

When a permit is issued for developments within the identified floodplain, the following certifications of compliance may be required:

- a. A certification from a registered professional engineer, architect, or land surveyor, of the elevation of the finished first floor, including basement, in relation to feet mean sea level.
- b. If a structure has been floodproofed, a registered professional engineer must certify the elevation to which the structure was floodproofed and that the floodproofing measures utilized are adequate to provide the required protection.
- c. A certificate of permit compliance from the permit grantee stating that all of the permit requirements have been met.

SECTION 10 - FORMS AND FEES

The City Council and the City Floodplain Administrator will promulgate forms and establish fees as may be required for the administration of this Ordinance.

SECTION 11 - DEFINITIONS

Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application;

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures and their contents.

"Habitable Floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage is not a "habitable floor".

"Mobile Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Ravine" means relating to, formed by, or resembling a river, stream or brook.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

"Substantial Improvement" means any repair, reconstruction, or improvement of the structure, the cost of which equals or exceeds 50% of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ADOPTED THIS 14th DAY OF October, 1980.


Walter A. LeBlanc, Mayor


City of Magnolia, Texas

THE STATE OF TEXAS X
CITY OF MAGNOLIA X
COUNTY OF MONTGOMERY X

I, Cathey Tucker, City Secretary of the City of Magnolia, Texas, do hereby certify that the above and foregoing is true and correct copy of an Ordinance made and entered by the City Council in regular session, on the 14th day of October, 1980, as it appears of record in the Minutes of said City Council.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of October, 1980.

SEAL


Cathey Tucker, City Secretary
City of Magnolia, Texas