

ORDINANCE NO. 2004-09

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR THE CITY OF CLINTON, ARKANSAS, REPEALING ORDINANCE NUMBER 152, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, The Legislature of the State of Arkansas has in Act 629 of 1969, As Amended, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and,

WHEREAS, The flood hazard areas of Clinton, Arkansas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare; and,

WHEREAS, These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Clinton, Arkansas:

Section 1. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE. There is hereby adopted by reference a flood Damage Prevention Code for Clinton, Arkansas, such Flood Damage Prevention Code having been delegated by the legislature of the State of Arkansas and set forth in Act 626 of 1969. A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. The code shall include:

- ARTICLE 1 Statutory authorization, finding of fact, purpose and methods
- ARTICLE 2 Definitions
- ARTICLE 3 General provisions
- ARTICLE 4 Administration
- ARTICLE 5 Provisions for flood hazard reduction

Section 2. Any person or corporation who violates any measure adopted under this Code may be fined not more than one hundred dollars (\$100.00) for each offense. Each day during which such violation exists is a separate offense.

Section 3. Ordinance 152 and any ordinance in conflict herewith or in conflict with the code adopted herein is hereby repealed.

Section 4. It is hereby found and declared by The City of Clinton, Arkansas, that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Passed this 13<sup>th</sup> day of May 2004

APPROVED: \_\_\_\_\_

Chip Ellis  
Chip Ellis, Mayor

ATTEST: \_\_\_\_\_

Merl Eoff, City Clerk

Approved as to Legal Form

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Brad A. Cazort, City Attorney