

ORDINANCE NO. O-4-17

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 34. FLOOD PROTECTION AND CONTROL. BY AMENDING SECTION 34-9. BASIS FOR ESTABLISHING FLOOD HAZARD AREAS. TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 34. FLOOD PROTECTION AND CONTROL. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Town of Palm Beach Shores and such areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Town of Palm Beach Shores participates in the National Flood Insurance Program and the Town Commission of the Town of Palm Beach Shores desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida, and Incorporated Areas, with an effective date of October 5, 2017; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores has determined that it is in the public interest to amend its floodplain management ordinance to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 34. Flood Protection and Control, of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Sec. 34-9. Basis for Establishing Flood Hazard Areas, to update the date of the flood insurance study and flood insurance rate maps in conformance with requirements of the National Flood Insurance Program; providing that Sec. 34-9 shall hereafter read as follows:

Chapter 34

FLOOD PROTECTION AND CONTROL

ARTICLE I. IN GENERAL

SECTION 2. Applicability

Sec. 34-9. Basis for establishing flood hazard areas. The FEMA Flood Insurance Study (FIS)₂ ~~Wave height Analysis~~ for Palm Beach County, Florida and Incorporated Areas (including the Town of Palm Beach Shores), dated October 5, 2017 ~~March 31, 1982~~ and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM) ~~dated September 30, 1982,~~ and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the Town Clerk.

Section 2: Each and every other Section and Subsection of Chapter 34. Flood Protection and Control. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING the 19th day of June, 2017.

LPA READING the 25th day of July, 2017

SECOND AND FINAL READING this 21st day of August, 2017.

TOWN OF PALM BEACH SHORES

Myra Koutzen Mayor
Myra Koutzen, Mayor

Attest:

Evyonne Browning
Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency.

Keith Davis
Keith Davis, Town Attorney

(Seal)





FEMA

AUG 21 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Myra Koutzen
Mayor, Town of Palm Beach Shores
247 Edwards Lane
Palm Beach Shores, Florida 33404

Dear Mayor Koutzen:

I am writing this letter as an official reminder that the Town of Palm Beach Shores, Florida, has until October 5, 2017, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(e) of the National Flood Insurance Program (NFIP) regulations.

The Town of Palm Beach Shores must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by October 5, 2017, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

The NFIP State Coordinating Office for your State has verified that Florida communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

The Honorable Myra Koutzen

AUG 21 2017

Page 2

Your NFIP State Coordinator and FEMA would like to assist the Town of Palm Beach Shores to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the Town of Palm Beach Shores is encountering difficulties in enacting its measures.

I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Florida Division of Emergency Management. Steve Martin, CFM, the NFIP State Coordinator, is accessible by telephone at (850) 922-5269, in writing at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by electronic mail at steve.martin@em.myflorida.com.

The FEMA Regional staff in Atlanta, Georgia, is also available to assist you with your floodplain management measures. The Regional Office may be contacted by telephone at (770) 220-5200 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region IV, at 3003 Chamblee Tucker Road, Atlanta, Georgia 30341.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

Enclosure

cc: Gracia Szczech, Regional Administrator, FEMA Region IV
Steve Martin, CFM, NFIP State Coordinator, Florida Division of Emergency Management
Danny Hawkins, Building Official, Town of Palm Beach Shores
Evyonne Browning, Town Clerk, Town of Palm Beach Shores