**AN ORDINANCE OF THE TOWN OF PATAGONIA, ARIZONA, MAYOR AND COUNCIL AMENDING TOWN CODE CHAPTER 13, FLOOD DAMAGE PREVENTION, TO COMPLY WITH CURRENT FEDERAL DEFINITIONS AND FEMA GUIDANCE**

**BE IT ORDAINED** by the Mayor and Council of the Town of Patagonia, Arizona that:

**SECTION 1.** Town Code Chapter 13 Flood Damage Prevention, is hereby amended as follows:

1. Throughout this Chapter, “special flood hazard areas” or “flood hazard areas” shall be amended to “Special Flood Hazard Areas” and “Flood Hazard Areas”.
2. Throughout this Chapter, “base flood elevation” shall be “Base Flood Elevation.”
3. Citations within the Chapter to other sections of this Chapter are hereby updated as set forth in the final revised Chapter adopted pursuant to Section 2 below.
4. Subsections 13-2-4(G) and (H) are hereby deleted.
5. 14 definitions of Section 13-3-1 are hereby deleted as they are not used substantively within the regulations of this Chapter.
6. The definitions of the following terms from Section 13-3-1 are hereby amended to read as follows:
7. Accessory structure. Any structure located on the same parcel as a principal structure and: (a) has a use, such as storage or parking, that is incidental to the use of the principal structure; (b) has a size and value that is significantly smaller than the principal structure; and (c) have low damage potential. Examples of accessory structures include detached garages, storage or tool sheds and small boathouses.
8. Chief Engineer. Floodplain administrator.
9. Encroachment. Activity or construction within the floodway, including placement of fill, new construction, substantial improvement, or other development. Encroachment is prohibited without first obtaining a floodplain use permit.
10. Floodplain Board. The Town Council of Patagonia unless the Council has duly appointed a Floodplain Board in accordance with law.
11. Structure. Used interchangeably with “building” to mean any above ground walled and roofed building having two or more rigid outside walls and a fully secured roof. Structures include gas and liquid storage tanks and off-site built storage or dwelling units.
12. Section 13-4-8(A) is hereby amended to read “In accordance with A.R.S. § 48-3609 as amended . . .” with the remainder of the sentence unchanged.
13. Section 13-5-2 is hereby deleted and replaced with the following amended Section 13-5-2:

Notice of Violations

1. The Chief Engineer shall issue a Notice of Violation if the Chief Engineer finds any of the following:
2. a person has engaged or is engaging in development of the floodplain without a floodplain use permit.
3. has engaged or is engaging in any development not in compliance with an active floodplain use permit; or
4. has damaged or interfered with facilities authorized pursuant to A.R.S. title 48 chapter 21 without written authorization of the Floodplain Board.
5. Notice of Violations shall be delivered by the best means practicable to the owner, occupant, or

manager of the real property on which the development is located, identify the observed violation(s) of this Chapter, and order the violator to cease and desist any activity that is not in compliance with this Chapter or any damage or interference not authorized by the Floodplain Board.

1. A Notice of Violation shall also include a date certain by which the alleged violator must respond in writing if the person denies in whole or in part the substance of the Notice of Violation.
2. Section 13-6-2 is amended to read “The Town Clerk/Manager or designee is hereby appointed . . .” with the rest of the sentence unchanged.
3. Section 13-9-5.5 Flood Openings is hereby amended to delete “Alternatively, a registered engineer or architect may design and certify engineered openings” and replace with the following:

For engineered openings:

1. All openings (or covers and devices) must be specifically designed and certified by a registered engineer or architect as meeting the required design and performance standards; or
2. Engineered openings (or covers and devices) for which an Evaluation Report has been issued by the International Code Council (ICC) Evaluation Service, Inc. (ICC-ES), a subsidiary of the International Code Council, Inc.
3. Section 13-9-5.6 Machinery and Service Equipment is hereby amended to read as follows:

All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located at or above the Regulatory Flood Elevation to prevent water from entering or accumulating within the components during conditions of flooding.

1. 13-16-3(D)(3) is hereby deleted.
2. Chapter 13 Appendix is hereby deleted.

**SECTION 2.** That public document known as Chapter 13 Flood Damage and Prevention Amended by Ordinance No. 24-01, three copies of which are on file with the Town Clerk, is hereby adopted by reference.

**SECTION 3.** All Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4**. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Patagonia, Arizona this 13th day of March, 2024.