

AN ORDINANCE AMENDING TITLE I OF THE CITY CODE BY REPEALING SECTION 1.110.250, PURPOSE AND RESPONSIBILITIES, AND ENACTING IN LIEU THEREOF A NEW SECTION 1.110.250 EXPANDING THE RESPONSIBILITIES OF THE UNIFORM CODES BOARD OF APPEALS.

LEGISLATIVE FINDINGS

- A. The Gladstone City Council continues to review and update ordinances relating to flood control and have adopted a new floodplain management ordinance which includes an appeal and variance process for floodplain construction requirements; and
- B. The City Council desires to vest responsibility for the appeal and variance process with the Uniform Codes Board of Appeals; and
- C. The City Council is empowered to assign standing boards to assist and advise the City Council in furtherance of informed governance of the City; and
- D. The City Council therefore finds that it is in the best interest of the citizens of the City of Gladstone to amend the responsibilities of the Uniform Codes Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

SECTION 1: REPEAL OF CERTAIN PROVISIONS OF THE GLADSTONE CITY CODE.

The following Section contained within Title I, Chapter 110, Article 4, of the Gladstone City Code, is hereby repealed:

Section 1.110.250

SECTION 2: ENACTMENT OF A NEW SECTION WITHIN TITLE I AS FOLLOWS:

Section 1.110.250. Purpose and Responsibilities.

The purpose and responsibilities of the uniform codes board of appeals shall be as follows:

- (a) To determine suitability of alternate materials and methods of construction.
- (b) To vary or modify the application of the requirements of the duly adopted uniform codes.
- (c) To hear and decide appeals and requests for variances from the floodplain management requirements under Title VIII, Chapter 110, of this code.

SECTION 3: EFFECT OF REPEAL.

The provisions of the Gladstone City Code repealed herein shall not be construed to revive any former ordinance, clause or provision of the Gladstone City Code.

SECTION 4: SEVERABILITY CLAUSE.

The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED, SIGNED AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 27TH DAY OF JULY, 2015.



Mayor Bill Garnos

Attest:



Ruth E. Bocchino, City Clerk

1st Reading: July 27, 2015

2nd Reading: July 27, 2015



Department of Public Works Memorandum



DATE: July 21, 2015
TO: Kirk L. Davis, City Manager
FROM: Timothy A. Nebergall, Director of Public Works *TAN*
RE: Floodplain Management Ordinance Adoption &
Expanding the Responsibilities of the Uniform Codes Board of Appeals

The City of Gladstone participates in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). Congress created the NFIP in 1968 to allow property owners in participating communities to purchase subsidized flood insurance.

FEMA recently notified Gladstone that the City needs to amend the current City Code by repealing Chapter 110- Flood Control Regulations adopted on July 28, 1997, and enacting a new Chapter 110- Floodplain Management by August 3, 2015 in order to continue to participate in the NFIP. A copy of the proposed ordinance is attached to this memorandum.

The proposed ordinance is very similar to the current "Flood Control Regulations" with a few notable exceptions. First, FEMA is requiring that ordinance reference Missouri Statute RSMo 77.260 which authorizes Cities of Third Class to enact ordinances they deem expedient to preserve the peace and good order and to protect the health of inhabitants.

Second, the proposed ordinances references new FIRM maps recently prepared by FEMA and replaces the existing maps that have been in effect since 1986.

Third, the proposed ordinance identifies the City Engineer as the City's Floodplain Administrator, which is consistent with the City's current practice. The ordinance clearly identifies the responsibilities of the Floodplain Administrator as it relates to plan review and record keeping.

Lastly, the proposed ordinance designates the Uniform Codes Board of Appeals as the board to hear and decide appeals and requests for variances. The existing ordinance places this responsibility with the City Council. This change will require expanding the responsibilities of this board to hear floodplain related appeals of the new ordinance.

Federally subsidized flood insurance continues to be an important tool for some homeowners in Gladstone. City staff is recommending adoption of a new Floodplain Management Ordinance and expanding the responsibilities of the Uniform Codes Board of Appeals at the July 27, 2015 Council meeting.

If you have any questions, please feel free to contact me at your convenience.

