

## ORDINANCE NO. 14-2018

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE TITLE 16, CHAPTER 16.50 (FLOOD DAMAGE PREVENTION)

**WHEREAS**, the City of Elk Grove (City) conducts periodic updates of the provisions of the Elk Grove Municipal Code (EGMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, changing market conditions, best practices, and to address issues or concerns with current regulations; and

**WHEREAS**, certain amendments to EGMC Title 16 (Buildings and Construction), specifically Chapter 16.50 entitled Flood Damage Prevention, are necessary to correctly reflect effective dates of the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs).

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

#### Section 1: Purpose and Authority

The purpose of this Ordinance is to amend EGMC Chapter 16.50 (Flood Damage Prevention), specifically Section 16.50.040 General Provisions to correctly reflect effective dates of the FEMA FIS and FIRMs.

#### Section 2: Action – Amend Section 16.50.040 (B) General Provisions

Section 16.50.040 (B) of the EGMC Chapter 16.50 is hereby amended to read as follows:

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Sacramento County, California, and Incorporated Areas dated August 16, 2012" with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated August 16, 2012, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The Flood Insurance Studies and FIRMs are on file at the Public Works Department at the City.

#### Section 3: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

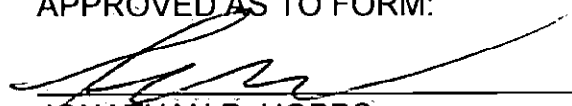
Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 14-2018  
**INTRODUCED:** June 27, 2018  
**ADOPTED:** July 11, 2018  
**EFFECTIVE:** August 10, 2018

  
\_\_\_\_\_  
STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Signed July 11, 2018


**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2018**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on June 27, 2018 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 11, 2018 by the following vote:*

<b>AYES :</b>	<b>COUNCILMEMBERS:</b>	<i>Ly, Suen, Detrick, Hume, Nguyen</i>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<i>None</i>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<i>None</i>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<i>None</i>

***A summary of the ordinance was published pursuant to GC 36933(c) (1).***

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**