

**TOWN OF CAREFREE, ARIZONA
ORDINANCE NO. 2023-05**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CAREFREE,
MARICOPA COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD
INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD
INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN
MANAGEMENT ORDINANCE; ABROGATION AND GREATER RESTRICTIONS;
PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES**

Town of Carefree, located in Maricopa County, has elected NOT to assume floodplain management responsibility as authorized in A.R.S. § 48-3610 and shall be known as District Dependent. Town of Carefree shall appoint a Floodplain Administrator who will be responsible for (1) coordinating with Flood Control District of Maricopa County staff regarding floodplain management and (2) verifying that the Community's participation in the NFIP is maintained and remains in good standing through adoption and enforcement of this Ordinance.

The Town of Carefree Floodplain Administrator shall also be, at a minimum, responsible for the following:

1. Obtain and maintain current Flood Insurance Studies and Flood Insurance Rate Map(s) applicable to their community;
2. Obtain and maintain copies of the most current "Floodplain Regulations for Maricopa County, January 17, 2018" at the office of the Town Clerk;
3. Obtain and maintain evidence of compliance for all applicable development within the Special Flood Hazard Areas; and
4. Repeal or modify all existing local ordinances that conflict with this Ordinance.

WHEREAS, the Town of Carefree, Arizona joined the National Flood Insurance Program (NFIP) as a separate community on July 2, 1979; and under the National Flood Insurance Program is the entity responsible for floodplain administration within the Town; and,

WHEREAS, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of the Town of Carefree; and,

WHEREAS, the Federal Emergency Management Agency published a countywide Flood Insurance Study, dated July 20, 2021, and Flood Insurance Rate Map for Maricopa County and incorporated areas, dated October 16, 2013, and each community that participates in the National Flood Insurance Program is required to adopt a floodplain management Ordinance consistent with Federal and State criteria; and,

WHEREAS, A.R.S. § 48-3609 assigns powers and duties for floodplain management to the Flood Control District of Maricopa County and the Town of Carefree has elected NOT to assume those powers and duties as provided for in A.R.S. § 48-3610; and,

WHEREAS, the Flood Control District of Maricopa County has adopted an ordinance to participate in the NFIP and,

WHEREAS, those certain documents entitled "Flood Insurance Study for Maricopa County, Arizona and Incorporated Areas dated July 20, 2021", and "Flood Insurance Rate Maps dated October 16, 2013" and "Floodplain Regulations for Maricopa County (January 17, 2018)" and all subsequent amendments and/or revisions are hereby designated as public records.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Carefree, Arizona, as follows:

Section 1. The Town of Carefree elects NOT to assume the responsibility of floodplain management from the Flood Control District of Maricopa County as provided for in **A.R.S. §§ 48-3609; 3610.** The Town of Carefree Town Administrator is designated as the National Flood Insurance Program Floodplain Manager for the Town and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

Section 2. Those public records entitled "Flood Insurance Study for Maricopa County, Arizona, and Incorporated Areas dated July 20, 2021" and "Flood Insurance Rate Maps dated October 16, 2013") and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the Town Clerk, are hereby adopted by reference as the basis for establishing the Special Flood Hazard Areas in the Town of Carefree. The Special Flood Hazard Areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas as allowed in this Ordinance.

Section 3. That public record designated as the "Floodplain Regulations for Maricopa County, dated January 18, 2018", and all subsequent amendments and/or revisions, copies of which shall be kept on file in the office of the Town Clerk, is hereby adopted as the legal basis for implementing floodplain management in Town of Carefree.

Section 4. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 5. Severability. If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this Ordinance shall remain in full force and effect.

Section 6. Providing for penalties as per Article 1.8 of the Carefree Town Code.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the Town of Carefree, Maricopa County, Arizona, this 7th day of November, 2023.

AYES 6 NOES 0 ABSTENTIONS 0 ABSENT 1

FOR THE TOWN OF CAREFREE



John Crane, Mayor

ATTESTED TO:



Kandace French Contreras, Town Clerk

APPROVED AS TO FORM:



Denis Fitzgibbons, Interim Town Attorney