

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING SAN ANSELMO MUNICIPAL CODE TITLE 7 (PUBLIC WORKS), CHAPTER 11
(PROTECTION OF FLOOD HAZARD AREAS) TO ADD
ARTICLE 7 (FLOOD GATES) TO THE CODE**

WHEREAS, the Town of San Anselmo and in particular, the downtown commercial district, is susceptible to flooding; and

WHEREAS, flood gates can reduce the impacts of flooding by keeping water from flooding vulnerable buildings reducing the financial impact to businesses; and

WHEREAS, flood gates could reduce the loss of life and limb; and

WHEREAS, a flood gate ordinance, a requirement for floodgates, and an annual inspection will be part of the Town's flood mitigation under the FEMA Community Rating System, thereby helping to reduce flood insurance rates throughout Town; and

WHEREAS, the Town of San Anselmo Flood Committee reviewed a draft flood gate ordinance at its meeting of November 29, 2018, and recommended that the Town Council adopt the ordinance; and

WHEREAS, the Town Council introduced this ordinance by title at its meeting of _____ and conducted a duly noticed public hearing on _____ and finds the proposed change to the Municipal Code necessary and in the best interest of the community.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: The Town Council finds and determines that the adoption of this ordinance, which is intended to reduce the impacts of flooding of commercial buildings in special flood hazard areas, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

SECTION 2: San Anselmo Municipal Code Title 7 (Public Works), Chapter 11 (Protection of Flood Hazard Areas), Article 7 (Flood Gates) is adopted to read as follows:

ARTICLE 7 – FLOOD GATES

7-11.701 Purpose and Intent.

The Town has experienced flooding in the special flood hazard area, which has impacted commercial and residential properties. In many instances, installation of flood gates can prevent or reduce the impacts of flooding, by providing a barrier to rising flood waters. The Town Council adopts this ordinance requiring the use of flood gates on commercial buildings within the special flood hazard area in an effort to decrease the effects of flooding for these properties.

7-11.702 Requirement for Flood Gates.

- A. Commercial properties located in a Special Flood Hazard Area (SFHA), as defined under section 7-11.201, shall install flood gates in compliance with the specifications provided by the Floodplain Administrator in accordance with subsection D.
 - 1. If not permanently installed, flood gates shall be installed immediately after forecasts of heavy precipitation and/or after the Town has declared the possibility for potential flooding conditions. The flood gates shall remain installed until the threat of flooding has ceased. The flood gates shall be designed to prevent flooding up to six inches above the latest Flood Insurance Rate Map (FIRM) base flood elevation (BFE).
 - 2. Flood gates shall be stored on site within every commercial property that is located within a SFHA. Floodgates shall be kept in working order, free from damage that prevents their use. Removable flood gates shall contain the following information in at least two-inch high red letters:
 - a. “Flood Gate -Do Not Discard”; and
 - b. The location of the opening that the flood gate protects (e.g. “front door”); and
 - c. The property address for which the flood gate will be used.
 - 3. Property and business owners shall register their email with the Town. Shall an emergency occur, the Town will send out flood and other important information.
- B. Commercial properties located in a SFHA shall maintain a flood gate plan on-site and on record at the Town. The plan shall include the storage location for flood gates and directions for the installation of the flood gates. All persons employed to work in a commercial property located within a SFHA shall be trained on how to install these devices and be familiar with the flood gate plan. The plan shall require business owners and employees to practice installation of the flood gates in October of each calendar year.
- C. When a change of use occurs for any commercial property located within a SFHA, a flood gate plan shall be provided by the owner of the property to the operator of the new business or new lessee. If the new use requires a conditional use permit or an amendment to an existing conditional use permit, the flood gate plan shall be included with the application.
- D. The Floodplain Administrator shall provide, and from time-to-time may revise and update, suitable design guidelines and details showing the methods, materials and installation of the flood gates required by this section. The flood gate guidelines shall be made available on the Town of San Anselmo’s website and shall be provided in print to commercial property owners in a SFHA. The Floodplain Administrator or her/his designee shall review and approve the flood gate plans required by this section.

7-11.703 Exemption.

Any property or business owner may seek exemption from the flood gate requirements in this section on the basis of an inspection by the Town and approval by the Public Works Director or his designee.

7-11.704 Violations and Penalties.

- A. Any violation of the provisions of this chapter is hereby declared a public nuisance and shall be subject to abatement as provided by law.
- B. Any person violating any provision of this article shall be deemed guilty of an infraction and shall be subject to penalties pursuant to Section 36900 of the California Government Code, as amended, and Title 1, Chapter 2 of the San Anselmo Municipal Code.
- C. Each and every day that any violation of this article continues, is committed or is permitted to continue shall be regarded as a new and separate offense.
- D. The remedies provided in this section shall be cumulative and not exclusive.

SECTION 3: Severability. The Town Council hereby declares every section, paragraph, sentence, clause

and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted or published as required by State law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on _____, 2019 , and was adopted at a regular meeting of the San Anselmo Town Council on _____, 2019 , by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Matt Brown, Mayor

ATTEST:

Carla Kacmar, Town Clerk
