



BILL NO. B-11

ORDINANCE NO. 2009-11

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
REPEALING SECTION 11-618 OF ARTICLE 6, CHAPTER 11 OF  
THE FRESNO MUNICIPAL CODE AND ADDING SECTION 11-618  
TO ARTICLE 6, CHAPTER 11 OF THE FRESNO MUNICIPAL  
CODE RELATING TO FLOOD PLAIN BUILDING REGULATIONS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 11-618 of Article 6 of Chapter 11 of the Fresno Municipal Code is repealed.

SECTION 2. Section 11-618 of Article 6 of Chapter 11 of the Fresno Municipal Code is added to read:

SECTION 11-618. NOTIFICATION OF OTHER AGENCIES.

1. In alteration or relocation of a watercourse, the Flood Plain Administrator shall:

- a) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b) Submit evidence of such notification to the Federal Emergency Management Agency;
- c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained; and
- d) Provide notice to the Fresno Metropolitan Flood Control District of all development applications pertaining to lands in excess of one-half acre in size located within areas of special flood hazard.

Adopted 3/24/09  
Approved 3/31/09  
Effective 5/1/09



2. In changes to the Base Flood Elevation due to physical alterations, the Flood Plain Administrator shall:

a) Submit or assure that permit applicants submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six months of the information becoming available or project completion, whichever comes first

b) Assure that all LOMOR's for flood control projects are approved prior to the issuance of building permits. Building permits must be issued based on Conditional Letters of Map Revision. (CLOMR's) Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

c) Such submissions are necessary so that upon confirmation of physical changes affecting flooding conditions, risk premium rates and flood plain management requirements are based on current data.

3. In changes to the corporate boundaries of the City of Fresno, the Flood Plain Administrator shall:

a) Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new boundary limits.

**SECTION 3. SEVERABILITY.** The City Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance



is determined by a court of competent Jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage or on MAY 1, 2009, whichever is later.

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STATE OF CALIFORNIA )
COUNTY OF FRESNO ) ss.
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 24 day of March, 2009.

AYES: Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Approval: March 31, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

BY: [Signature]
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

BY: [Signature]
Michael G. Vigilia, Deputy

MGV:ns [48072ord/mgv]



March 25, 2009

Council Adoption: 3/24/09  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: REBECCA E. KLISCH, CMO  
City Clerk

RECEIVED  
RJK  
2009 APR -1 AM 8:09  
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 3/24/09, Council adopted the attached Ordinance No. 2009-11 entitled **Repealing/adding to FMC re: flood plain building regulations**, Item No. 1P, by the following vote:

Ayes : Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before April 6, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_

*Ashley Swearengin*  
Ashley Swearengin, Mayor

Date: 3/31/09

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :