

ORDINANCE NO. 2010-38

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to flood damage prevention and amending Section 15.16 of the Bainbridge Island Municipal Code (BIMC) to adopt the updated Flood Insurance Study.

WHEREAS, the most recent Flood Insurance Study for Kitsap County, Washington, and Incorporated Areas becomes effective November 4, 2010; and

WHEREAS, Section 15.16.030 BIMC already contains an automatic update clause to implement the most recent flood study and the accompanying flood insurance maps; however, the Federal Emergency Management Agency (FEMA) has recently determined that the City's present language, which includes reference to the original flood study from Kitsap County and the "Unincorporated" Areas as well as the "City of Winslow," must be replaced with reference to the flood study for Kitsap County and the "Incorporated" Areas; and

WHEREAS, with this change, the City's ordinance will meet the National Flood Insurance Program (NFIP) requirements and the automatic update clause will be effective in implementing future flood studies; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 15.16.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.16.030 General provisions.

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by ~~the May 15, 1980, Kitsap County Map Panels 120, 205, 210, 215, 220, and 310~~ and the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Kitsap County and Incorporated Areas ~~the City of Winslow~~" dated November 4, 2010 ~~February 5, 1986~~, with accompanying Flood Insurance Maps and any revisions thereto, is adopted by reference and declared to be a part of this chapter. ~~‡~~‡The Flood Insurance Study is on file at the office of the city clerk.

C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

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

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

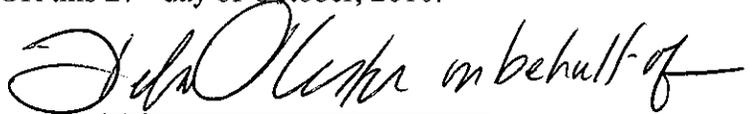
1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 27th day of October, 2010.

APPROVED BY THE MAYOR this 27th day of October, 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	September 30, 2010
PASSED BY THE CITY COUNCIL:	October 27, 2010
PUBLISHED:	October 29, 2010
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ORDINANCE NUMBER:	2010-38

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