

ORDINANCE NO. O-21-30

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

“AN ORDINANCE TO REVISE ORDINANCE O-09-58 (THE GARLAND COUNTY FLOODPLAIN ORDINANCE), AND FOR OTHER PURPOSES.”

WHEREAS, Ordinance O-09-58 was adopted on December 15, 2009 and established a Flood Damage Prevention Program and Flood Damage Prevention Code for Garland County, Arkansas; and

WHEREAS, certain revisions are necessary to offer flexibility, ease of administration, clarity for property owners and more efficient enforcement; and

WHEREAS, the Public Health, Welfare and Safety Committee has previously met and recommended approval;

WHEREAS, Ordinance 09-58 shall be amended as set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

SECTION 1. That Ordinance 09-58, as amended, and the incorporated Flood Damage Prevention Code, is hereby amended as set forth herein:

**FLOOD DAMAGE PREVENTION CODE, ARTICLE 2. ADMINISTRATION,
SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

An additional paragraph shall be added as follows:

“A permit shall not be required for development where the actual construction location does not contact the Special Flood Hazard Area. It shall be the burden of the property owner to provide proof to the Floodplain Manager that the construction does not contact the SFHA.”

**FLOOD DAMAGE PREVENTION CODE, ARTICLE 2. ADMINISTRATION.
SECTION F, APPEAL BOARD**

SubSection (F)(6) shall be added as set forth below and the remaining paragraphs of Section F shall be renumbered accordingly:

“Appeal and variance hearings shall generally follow the hearing procedures set forth in the Arkansas Administrative Procedure Act., Ark. Code Ann. 25-15-208.”

FLOOD DAMAGE PREVENTION CODE, ARTICLE 2. ADMINISTRATION.

Section (G) shall be added as follows:

RECORDING AND PUBLIC NOTICE.

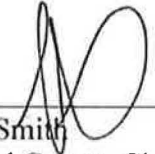
“Any appeal or variance granted under this Ordinance shall be recorded in the deed and mortgage records of Garland County, Arkansas. It shall be the responsibility of the property owner to record and provide proof thereof to the Garland County Floodplain Manager.”

SECTION 2. That time being of the essence, an emergency is hereby declared and this Ordinance shall be in full force and effect upon passage.


SECTION 3. That if any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance is declared to be severable.

SECTION 4. That this Ordinance shall be codified in the Garland County Code of Ordinances and the Sections may be re-numbered and re-lettered to accomplish such intention.

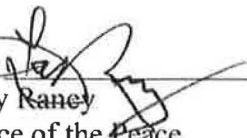
ATTEST: _____


Sarah Smith
Garland County Clerk

APPROVED: _____


Darryl Mahoney
Garland County Judge

SPONSOR: _____


Larry Raney
Justice of the Peace

DATE: _____

10/11/2011