

**COMMONWEALTH OF PUERTO RICO
AUTONOMOUS MUNICIPALITY OF GUAYNABO
MUNICIPAL LEGISLATURE**

ORDINANCE

Number 238

Series 2011-2012

Presented by: Administration

IN ORDER TO ADOPT THE PLANNING REGULATION NUMBER 13 – SEVENTH EDITION AND SUCCESSIVE EDITIONS, REGULATION OF SPECIAL AREAS OF FLOOD RISK FOR THE MUNICIPALITY OF GUAYNABO TO BECOME A COMMUNITY OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Whereas: The 15th of December of 1999, the Governor of Puerto Rico, Hon. Pedro Rosselló Gonzalez, by Executive Order Num. OE-1999-63 approves the Land Use Plan of the Municipality of Guaynabo turning it to an Autonomous Municipality.

Whereas: The Hon. Anibal S. Acevedo Vilá, Governor of Puerto Rico, signed the 17th of September of 2005, the new Delegation of Competitions Agreement of the Planning Board and the Regulation and Permission Administration Agency from the Government of Puerto Rico of the Autonomous Municipality of Guaynabo, which grants the Fifth (V) Hierarchy to the Municipality.

Whereas: With the signed Agreement, the Autonomous Municipality of Guaynabo adopts as part of its Municipal Autonomy the Regulation of Special Areas of Flood Risk (Planning Regulation, Num. 13).

Whereas: The Municipal Legislature approves the Hon. Héctor O'Neill García request to the "Federal Emergency Management Agency" (FEMA) for the integration of the Autonomous Municipality of Guaynabo to the Community of the National Flood Insurance Program (NFIP), through Ordinance Number 31, Series 2008-2009.

Whereas: With the integration of the Municipality as a Community, it would implant corrective and preventive measures to reduce the damages caused by Floods.

Whereas: With the incorporation of this Program, the Municipality will use all efforts to reduce the losses of lives and properties caused by the flood damages.

Whereas: It will evaluate and update the risk areas that are not identified under the Digital Flood Insurance Rate Maps" (DFIRM).

Whereas: This Program will instruct and offer continued education to the staff in charge of the Floodplain Management to carry out efficient and effective work.

Whereas: As part of the requirements that the Municipality must fulfill to become a participant community of the NFIP, it is require the adoption of the regulations of floods through Ordinance that exceeds the minimum requirements.

Whereas: The 31st of December of 2005 the Planning Board approves the Sixth Edition about the Regulations of Special Areas of Flood Risk.

Whereas: *The Autonomous Municipality of Guaynabo has the legal authority to adopt regulations and control measures to reduce future losses caused by flooding, landslides and erosion provoked by runoffs. This authority consists in the dispositions from Articles 13.011, 13.012, 14.004, 14.005 and 14.008 of the Autonomous Municipality Law, Law Number 81 from August 30, 1991, as amend.*

Whereas: *The Municipality, in particular the Planning and Land Uses Office and the Urban Permits Office, adopted the Regulation Number 13 from the Planning Board of the Commonwealth of Puerto Rico about Special Areas of Flood Risk and are obligated to implant it, as promulgate by the Planning Board in all their decisions referred to land uses and other territorial decisions. The Municipality recognizes that in virtue of the dispositions of the Law cited before, can not amend those statutory dispositions. In the implementation of the faculties transferred by the Planning Board and the Regulations and Permissions Administration Agency are obligated to put them with vigour as adopted by the Central Government of the Commonwealth who retains the jurisdiction to amend them.*

Therefore: *THE MUNICIPAL LEGISLATURE OF GUAYNABO, PUERTO RICO, AT A REGULAR MEETING THIS 7 DAY OF MARCH 2012, DOES HEREBY ORDAIN AS FOLLOWS:*

1st Section: *To authorize as hereby himself, to the Hon. Héctor O'Neill García Mayor the adoption of the Planning Regulation Number 13 - Seventh Edition and Successive Editions about Special Areas of Flood Risks from the Planning Board of Puerto Rico and future amends, in compliance to the incorporation of the Autonomous Municipality of Guaynabo as a community of the NFIP.*

2nd Section: *This ordinance shall be in effect immediately after the date FEMA authorizes the incorporation of the Autonomous Municipality of Guaynabo to the NFIP.*



President



Secretary

Was approved by the Hon. Héctor O'Neill García, Mayor, this 20 of march of 2012.



Mayor