

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

**ORDINANCE NUMBER 42  
SERIES 2010-2011-47**

**APPROVED:**

**DECEMBER 10, 2010**

**IN ORDER TO ADOPT THE PUERTO RICO PLANNING BOARD  
REGULATION NUMBER 13 RELATED TO SPECIAL AREAS OF FLOOD  
RISK FOR THE MUNICIPALITY OF CAROLINA TO BECOME A  
COMMUNITY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM  
(NFIP).**

- WHEREAS:** On December 30, 1992, the Governor of Puerto Rico, Hon. Rafael Hernández Colón, by an Executive Order No. OE-1992-84 approved the Land Use Plan of the Municipality of Carolina turning it to an Autonomous Municipality.
- WHEREAS:** On September 23, 2003, Hon. Sila M. Calderón, as Governor of Puerto Rico, signed the New Delegation of Competitions Agreement between the Planning Board; the Regulation and Permits Administration Agency and the Autonomous Municipality of Carolina, which grants the Fifth (V) Hierarchy to the Municipality.
- WHEREAS:** With the signature of such agreement the Autonomous Municipality of Carolina adopted as part of its Municipal Autonomy the Planning Board's the Regulation on Special Areas of Flood and Risk (Planning Regulation, No. 13).
- WHEREAS:** The Municipal Legislature through Ordinance authorized the Hon. José C. Aponte Dalmau to request to the "Federal Emergency Management Agency" (FEMA) for the integration of the Autonomous Municipality of Carolina to the National Flood Insurance Program (NFIP).
- WHEREAS:** With the integration of the Municipality as a Community, it would allow the establishment and implementation of corrective and preventive measures to reduce flood damages.
- WHEREAS:** With the incorporation of this Program, the Municipality pretends to reduce losses of live and property due to flood damages.
- WHEREAS:** Also it will allows the Municipality to evaluate and revise areas in risk which 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 our efficient and effective work.

**WHEREAS:** As part of the requirements to be considered as a NFIP participant community it is necessary the adoption by an Ordinance regulation about floods that exceeds the minimum requirements of NFIP.

**WHEREAS:** On September 30, 2009, the Puerto Rico Planning Board approved the 7<sup>th</sup> Edition of the Regulation about Special Areas of Risk to flooding.

**WHEREAS:** The Autonomous Municipality of Carolina 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 is based on the dispositions from Articles 13.001, 13.012, 14.004, 14.005 and 14.008 of the Autonomous Municipality Law, Law Number 81 from August 30, 1991, as amended.

**WHEREAS:** The Municipality in particular the Planning and the Urban Permits Departments adopted the Regulation Number 13 from the Planning Board of the Commonwealth of Puerto Rico about Special Areas of Flood Risk and forced to implement it, as promulgated by the Planning Board in all their decisions referred to land uses and other territorial decisions.

**WHEREAS:** The Municipality recognizes that in virtue of the dispositions of the Law cited before, it cannot amend those statutory dispositions. In the implementation of the faculties transferred by the Planning Board and the Regulations and Permissions Administration Agency are forced to put them into effect as adopted by the Central Government of the Commonwealth who retains the jurisdiction to amend them.

**THEREFORE: THE MUNICIPAL LEGISLATURE OF CAROLINA, PUERTO RICO:**

1<sup>ST</sup>. SECTION: To adopt the Puerto Rico Planning Board's Regulation 13 related to special areas in risk to floods in the Municipality of Carolina and to become a community under the National Flood Insurance Program (NFIP).

2<sup>ND</sup> SECTION: This Ordinance shall become effective once it be approved by the Legislature and signed by the Mayor of Carolina.

3<sup>RD</sup> SECTION: Copy of this Ordinance must be sent to the Puerto Rico Planning Board, to FEMA, to the Departments of Planning and Urban Permits of the Municipality of Carolina and the Office of the Commissioner of Municipal Affairs.

**SUBMITTED BY:** HON. REINALDO L. CASTELLANOS FERNÁNDEZ  
HON. CARMELO RIVERA RIVERA  
HON. MIRTA ANDRADES RUIZ  
HON. DANILO CARMONA CASTRO  
HON. LUIS M. MANGUAL OCASIO  
HON. JOSÉ A. CORDERO SERRANO  
HON. CARMEN M. GRAULAU SERRANO  
HON. MARIBEL LÓPEZ VÁZQUEZ  
HON. MARÍA E. RODRÍGUEZ ROHENA  
HON. ANÍBAL CARRIÓN LÓPEZ  
HON. JOSÉ E. RIVERA VERDEJO  
HON. VELDA GONZÁLEZ DE MODESTTI  
HON. ÁNGEL VIERA ENCARNACIÓN

**IN CAROLINA, PUERTO RICO, THE 13 OF DECEMBER OF 2010.**

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**REINALDO L. CASTELLANOS**  
**PRESIDENT**

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**ANTONIO AZQUEZ COLLAZO**  
**SECRETARY**

**APPROVED BY THE MAYOR OF CAROLINA ON \_\_\_\_\_**  
**2010.**

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**JOSE C. APONTE DALMAU**  
**MAYOR**

## **CERTIFICATION**

I, **ANTONIO VÁZQUEZ COLLAZO**, Secretary of the Municipal Legislature of Carolina, Puerto Rico, hereby **CERTIFY**:

That the foregoing is true and correct copy of the **ORDINANCE 42 SERIAL: 2010-2011-47** of December 10, 2010, as approved by the Municipal Legislature, meeting in regular session with the affirmative votes of the following Legislators:

<b>HON. REINALDO L. CASTELLANOS</b>	<b>HON. CARMELO RIVERA RIVERA</b>
<b>HON. MIRTA ANDRADES RUIZ</b>	<b>HON. DANILO CARMONA CASTRO</b>
<b>HON. LUIS M. MANGUAL OCASIO</b>	<b>HON. JOSÉ A. CORDERO SERRANO</b>
<b>HON. CARMEN M. GRAULAU SERRANO</b>	<b>HON. MARIBEL LÓPEZ VÁZQUEZ</b>
<b>HON. MARÍA E. RODRÍGUEZ ROHENA</b>	<b>HON. ANÍBAL CARRIÓN LÓPEZ</b>
<b>HON. JOSÉ E. RIVERA VERDEJO</b>	<b>HON. VELDA GONZÁLEZ DE MODESTTI</b>
<b>HON. ÁNGEL F. VIERA ENCARNACIÓN</b>	<b>HON. JOSÉ F. FELIÚ SABATINO</b>
<b>HON. HÉCTOR L. RIVERA RODRÍGUEZ</b>	<b>HON. CARMEN L. RIVERA GONZÁLEZ</b>

**ABSENT -0- ABSENT EXCUSED -0- ABSTENTION -0- IN THE AFFIRMATIVE -16- IN THE NEGATIVE -0-**

And for the record, I issue this **CERTIFICATE** in Carolina, Puerto Rico,  
December 13, 2010.

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**ANTONIO VÁZQUEZ COLLAZO**  
**SECRETARY**