

First Reading: _____

Bill No. 126.2

Second Reading: _____

Ordinance No. 1217

AN ORDINANCE AMENDING TITLE IV, CHAPTER 410 OF THE CITY OF COOL VALLEY, MISSOURI, CODE PERTAINING TO FLOOD PREVENTION AND PROTECTION

WHEREAS, Federal Emergency Management Agency (FEMA) requires that cities in St. Louis County, including the City of Cool Valley, adopt or update floodplain management ordinances; and

WHEREAS, the Board of Aldermen of the City of Cool Valley ("City") wishes to comply with FEMA's requirements so that the City and its residents may remain eligible for flood insurance and Federal and State assistance in the event of a serious flood event; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COOL VALLEY, MISSOURI, AS FOLLOWS:

Section One.

Sections 410.010 through 410.260 of Chapter 410 of the Cool Valley Municipal Code pertaining to floodplain development are hereby repealed.

Section Two.

Title V of the Code of Ordinances of the City, is hereby amended by the adoption of a new Chapter 520, and eight (8) new Sections, initially to be designated as Sections 520.010, 520.020, 520.030, 520.040, 520.050, 520.060, 520.070 and 520.080, to read as follows:

TITLE V	BUILDING AND CONSTRUCTION
CHAPTER XI.	FLOOD PREVENTION AND PROTECTION
ARTICLE I	IN GENERAL
SECTION 520.010	DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"100-year Flood" see *"base flood."*

"Accessory Structure" means the same as *"appurtenant structure."*

“Actuarial Rates” see *“risk premium rates.”*

“Administrator” means the Federal Insurance Administrator.

“Agency” means the Federal Emergency Management Agency (FEMA).

“Appeal” means a request for review of the Floodplain Administrator’s interpretation of any provision of this Chapter or a request for a variance.

“Appurtenant Structure” means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

“Area of Special Flood Hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means any area of the structure having its floor subgrade (below ground level) on all sides.

“Building” see *“structure.”*

“Chief Executive Officer” or “Chief Elected Official” means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

“Community” means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Elevated Building” means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Eligible Community” or “Participating Community” means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

“Existing Construction” means for the purposes of determining rates, structures for which the *“start of construction”* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *“Existing construction”* may also be referred to as *“existing structures.”*

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood Elevation Determination” means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood Elevation Study” means an examination, evaluation and determination of flood hazards.

“Flood Fringe” means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Administrator, where the boundaries of the flood

areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

“Floodplain” or “Flood-prone Area” means any land area susceptible to being inundated by water from any source (*see “flooding”*).

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

“Floodplain Management Regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

“Floodway” or “Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Floodway Encroachment Lines” means the lines marking the limits of floodways on Federal, State and local floodplain maps.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *“Freeboard”* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

“Functionally Dependent Use” means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

“Lowest Floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building’s lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

“Manufactured Home” means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *“manufactured home”* **does not include** a *“recreational vehicle.”*

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

“Market Value” or “Fair Market Value” means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.

“New Construction” means, for the purposes of determining insurance rates, structures for which the *“start of construction”* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *“new construction”* means structures for which the *“start of construction”* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

“(NFIP)” means the National Flood Insurance Program (NFIP).

“Participating Community” also known as an *“eligible community,”* means a community in which the Administrator has authorized the sale of flood insurance.

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

“Principally Above Ground” means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

“Recreational Vehicle” means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle is considered

ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

“Remedy A Violation” means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

“Repetitive Loss” means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

“Risk Premium Rates” means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *“Risk premium rates”* include provisions for operating costs and allowances.

“Special Flood Hazard Area” see *“area of special flood hazard.”*

“Special Hazard Area” means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

“Start of Construction” includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The **actual start** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *“Structure”* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

“Substantial-Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”, or
- c.) Any improvement to a building.

“Substantial Improvement” means any combination of reconstruction, alteration, or improvement to a building, taking place during a 10 year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred

“repetitive loss” or “substantial damage”, regardless of the actual repair work done.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or
- c.) Any building that has been damaged from any source or is categorized as repetitive loss.

“Substantially improved existing manufactured home parks or subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Variance” means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

SECTION 520.020 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

A. *Statutory Authorization.* The Missouri General Assembly has in Section 89.020 RSMo delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Cool Valley, Missouri ordains as follows.

B. *Findings Of Fact.*

1. *Flood losses Resulting from Periodic Inundation.* The special flood hazard areas of the City are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses.* These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for St. Louis County dated February 4, 2015 as amended, and any future revisions thereto.

b. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

C. *Statement Of Purpose.* It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Subsection B (1) of this Section 520.020; to establish or maintain the community's eligibility for participation in the National Flood

Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands which are unsuited for the intended development purposes due to the flood hazard.

SECTION 520.030 GENERAL PROVISIONS

A. *Lands To Which Chapter Applies.* This Chapter shall apply to all lands within the jurisdiction of the City identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Maps (FIRMs) for St. Louis County on map panels 29189C0202K, 29189C0206K, and 29189C0208K, dated February 4, 2015 as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the City, and as specifically noted in Section 520.040.

B. *The Floodplain Administrator.* The City Engineer is hereby designated as the Floodplain Administrator under this Chapter. The City Engineer may appoint and utilize such assistant administrators as he/she shall deem necessary and appropriate to assist with performing his/her duties hereunder.

C. *Compliance.* No development located within the special flood hazard areas of this City shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

D. *Abrogation And Greater Restrictions.* It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail. All other

Ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

E. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any other powers granted by 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 engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

G. *Severability.* If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE II ADMINISTRATION

SECTION 520.040 ADMINISTRATION

A. *Floodplain Development Permit Required.* A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 520.030A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

B. *Duties and Responsibilities of Floodplain Administrator.* Duties of the Floodplain Administrator shall include, but not be limited to:

1. review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;

2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

4. issue floodplain development permits for all approved applications;

5. notify adjacent communities and the Missouri State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;

6. assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;

7. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

8. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

9. when floodproofing techniques are utilized for a particular non-residential structure, the City shall require certification from a registered professional engineer or architect.

C. *Application For Floodplain Development Permit.* To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

2. identify and describe the work to be covered by the floodplain development permit;

development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

a. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. construction with materials resistant to flood damage;

c. utilization of methods and practices that minimize flood damages;

d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

e. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

f. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

(1) all such proposals are consistent with the need to minimize flood damage;

(2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

(3) adequate drainage is provided so as to reduce exposure to flood hazards; and

(4) all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, material, and equipment*

a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the Chapter, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:

a. If such structure, use, or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this Chapter.

b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in Section 520.030A, the following provisions are required:

a. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base

flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 520.040B(9).

c. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) the bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Manufactured Homes

1. All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the City's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the City's FIRM on sites:

- a. outside of manufactured home park or subdivision;
- b. in a new manufactured home park or subdivision;
- c. in an expansion to an existing manufactured home park or subdivision; or
- d. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the City's FIRM, that are not subject to the provisions of Section 520.050C(2) of this Chapter, be elevated so that either:

- a. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

D. Floodway

Located within areas of special flood hazard established in Section 520.030A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The City shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
2. The City shall prohibit any encroachments, including new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. If Section 520.050D(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Section 520.050.

4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Section 520.050A(2).

E. Recreational Vehicles

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the City's FIRM either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use; or
- c. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.

ARTICLE IV FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION 520.060 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

A. *Establishment of Appeal Board.* The Board of Adjustment for the City shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.

B. *Responsibility of the Appeal Board.* Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment, as defined in Section 520.060A. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. *Further Appeals.* Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the St. Louis County Circuit Court as provided in RSMo 89.110.

D. *Floodplain Management Variance Criteria.* In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this Chapter, and the following criteria:

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the City;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

E. *Conditions For Approving Floodplain Management Variances.*

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the

proposed activity will not preclude the structure=s continued historic designation.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. The City shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

ARTICLE VI

PENALTIES FOR VIOLATION

SECTION 520.070

PENALTIES FOR VIOLATION, ISSUANCE OF SUMMONS, OTHER REMEDIES

A. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) 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 \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

B. The Floodplain Administrator as designated in Section 520.030(B) of this Chapter, or his or her designee, is hereby authorized to issue a summons to any person violating any of the terms of

this Chapter and thereafter such summons shall be prosecuted as all other violations of the Cool Valley City Code.

ARTICLE VII AMENDMENTS

SECTION 520.080 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City at least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the FEMA. The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

Section Three.

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Four.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Five.

This Ordinance shall be in full force and effect from and after the date of its passage.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF COOL VALLEY THIS
____ DAY OF JANUARY, 2015.**

Ayes:
Nays:
Absent:

Presiding Officer

Attest:

Deborah Jones-Daniels, City Clerk

APPROVED THIS _____ DAY OF JANUARY, 2015.

Viola Murphy, Mayor

Attest:

Deborah Jones-Daniels, City Clerk

**NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
MINIMUM LAND MANAGEMENT CRITERIA
(Evaluation Sheet)**

Ordinance # _____
DRAFT
 Ordinance
 Date: _____
 Draft _____

Community: Cool Valley State: MISSOURI Date of Review: Draft
 (St. Louis County)
 Name of Reviewer: Karen McHugh Reviewed by: FEMA State (circle one)

NOTE: The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program (NFIP) Rules and Regulations [44CFR 60.3] for complete description of the required standards.

Item Description (Section reference of NFIP Regulations follows)		Level of Regulations				Applicable Ordinance Section
		(a)	(b)	(c)	(d)	
1.	Citation of Statutory Authorization. <i>*Statutory Citation: RSMo 89.020</i>				X	Article I, Section 520.020
2.	Purpose section citing health, safety, and general welfare reasons for adoption.				X	Article I, Section 520.020 (C)
3.	Adopt or reference the correct map and date. [60.3(b)] (includes: "as amended, and any future revisions thereto.") February 4, 2015 <i>*Reference: 29189C0202K, 29189C0206K, 29189C0208K</i>				X	Article I, Section 520.030
4.	Adopt or reference the correct FIS and date. [60.3(c)] (includes: "and illustrative materials") <i>*Reference: February 4, 2015</i>				X	Article I, Section 520.020 (3) (a)
5.	Abrogation and Greater Restriction section.				X	Article I, Section 520.030 (D)
6.	Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.				X	Article I, Section 520.030 (F)
7.	Severability section (If any section, provision, or portion of the ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)				X	Article I, Section 520.030 (G)
8.	Framework for administering the ordinance (permit system, establish office for administering the ordinance, etc.) The City Engineer				X	Article II, Section 520.040
9.	Require permits for all proposed construction or other development including placement of manufactured homes. [60.3(a)(1)]				X	Article II, Section 520.040 (A)
10.	Require permits for all proposed construction and other development within SFHAs on the FHBM or FIRM. [60.3(b)(1)]				X	Article II, Section 520.040 (A)
11.	Review permits to assure sites are reasonably safe from flooding. [60.3(a)(3)]				X	Article II, Section 520.040 (B) (1)
12.	Assure that all other State and Federal permits are obtained. [60.3(a)(2)]				X	Article II, Section 520.040 (B) (2)

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
 MINIMUM LAND MANAGEMENT CRITERIA
 (Evaluation Sheet)

13.	Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. [60.3(a)(4)]				X	Article II, Section 520.040 (B) (3)
14.	Notify neighboring communities of watercourse alterations or relocations. [60.3(b)(6)]				X	Article II, Section 520.040 (B) (5)
15.	Maintain carrying capacity of altered or relocated watercourse. [60.3(b)(7)]				X	Article II, Section 520.040 (B) (6)
16.	Where BFE data are utilized, obtain and maintain records of i) the lowest floor elevation, including basement, of all new or substantially improved structures. [60.3(b)(5)(i)]				X	Article II, Section 520.040 (B) (7)
17.	ii) the actual elevation that a new or substantially improved non-residential structure is floodproofed. [60.3(b)(5)(ii)]				X	Article II, Section 520.040 (B) (8)
18.	Require that, for floodproofed <u>NONRESIDENTIAL</u> structures, a registered professional engineer/architect certify that the design and methods of construction meet requirements at (c)(3)(ii). [60.3(c)(4)]				X	Article II, Section 520.040 (B) (9)
19.	In A Zones, in the absence of FIA BFE data and Floodway data, consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. [60.3(b)(4)]				X	Article III, Section 520.050 (A) (2)
20.	Until a regulatory floodway is designated, no encroachments may increase the base flood level more than 1 foot. [60.3(c)(10)]				X	Article III, Section 520.050 (A) (3)
21.	If a proposed site is in a flood-prone area, all new construction and substantial improvements shall be: (a) Adequately anchored (including manufactured homes) to prevent flotation, collapse, or lateral movement. [60.3(a)(3)(i)]				X	Article III, Section 520.050 (A) (4) (a)
22.	(b) Constructed with flood-resistant materials [60.3(a)(3)(ii)]				X	Article III, Section 520.050 (A) (4) (b)
23.	(c) Constructed by methods/practices that minimize flood damage. [60.3(a)(3)(iii)]				X	Article III, Section 520.050 (A) (4) (c)
24.	(d) Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. [60.3(a)(3)(iv)]				X	Article III, Section 520.050 (A) (4) (d)

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
 MINIMUM LAND MANAGEMENT CRITERIA
 (Evaluation Sheet)

25.	Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration and on-site waste disposal systems be designed to avoid impairment or contamination [60.3(a)(5), (a)(6)(i), and (a)(6)(ii)]				X	Article III, Section 520.050 (A) (4) (e)
26.	If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposal shall be reviewed to assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]				X	Article III, Section 520.050 (A)(4)(f)(1)
27.	(b) Public utilities and facilities are constructed so as to minimize flood damage [60.3(a)(4)(ii)]				X	Article III, Section 520.050 (A)(4)(f)(2)
28.	(c) Adequate drainage is provided. [60.3(a)(4)(iii)]				X	Article III, Section 520.050 (A)(4)(f)(3)
29.	Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]				X	Article III, Section 520.050 (A)(4)(f)(4)
30.	Require all new and substantially improved <u>RESIDENTIAL</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. [60.3(c)(2)] One (1) foot above BFE				X	Article III, Section 520.050 (B) (1) (a)
31.	Require that new and substantially improved <u>NONRESIDENTIAL</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the base flood elevation. [60.3(c)(3)] One (1) foot above				X	Article III, Section 520.050 (B) (1) (b)
32.	Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters in accordance with specifications of 60.3(c)(5). [60.3(c)(5)]				X	Article III, Section 520.050 (B) (1) (c)
33.	Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]				X	Article III, Section 520.050 (C) (1)

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
 MINIMUM LAND MANAGEMENT CRITERIA
 (Evaluation Sheet)

34.	<p>Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored:</p> <ul style="list-style-type: none"> i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in a existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)] One foot above BFE 				X	Article III, Section 520.050 (C) (2) (a - d)
35.	<p>In A1-30, AH and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that</p> <ul style="list-style-type: none"> i) the lowest floor is at or above the BFE, or ii) the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. [60.3(c)(12)] One foot above 				X	Article III, Section 520.050 (C) (3) (a - b)
36.	<p>In AO Zones, require that new and substantially improved <u>RESIDENTIAL</u> structures have their lowest floor (including basement) at or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)] 2 feet</p>				X	N/A
37.	<p>In AO Zones, require that new and substantially improved <u>NONRESIDENTIAL</u> structures have their lowest floor elevates or completely floodproofed above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(8)] 2 feet</p>				X	N/A
38.	<p>In Zones AO and AH, require drainage paths around structures on slopes to guide water from structures. [60.3(c)(11)]</p>				X	N/A
39.	<p>Designate a regulatory floodway which will not increase the base flood level more than 1 foot. [60.3(d)(2)]</p>				X	Article III, Section 520.050 (D) (1)
40.	<p>In a regulatory floodway, prohibit any encroachment which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge. [60.3(d)(3)]</p>				X	Article III, Section 520.050 (D) (2)
41.	<p>In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less and 180 consecutive days or be fully licensed and highway ready. [60.3(c)(14)]</p>				X	Article III, Section 520.050 (E)

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
 MINIMUM LAND MANAGEMENT CRITERIA
 (Evaluation Sheet)

42.	Variance section with evaluation criteria and insurance notice. [60.6(a)] <i>Statutory Citation:</i> RSMo 89.110				X	Article IV
43.	Adequate enforcement provisions including a violations/penalty sections specifying actions community will take to assure compliance. \$ 100.00				X	Article VI
44.	Adopt definitions of: 1) Base Flood, 2) Development, 3) Existing Manufactured Home Park or Subdivision, 4) Expansion to an Existing Manufactured Home Park or Subdivision, 5) Flood Insurance Rate Map, 6) Flood Insurance Study, 7) Floodway, 8) Historic Structure, 9) Lowest Floor, 10) Manufactured Home, 11) Manufactured Home Park or Subdivision, 12) New Construction, 13) New Manufactured Home Park or Subdivision, 14) Recreational Vehicle, 15) Special Flood Hazard Area, 16) Start of Construction, 17) Structure, 18) Substantial Damage, 19) Substantial Improvement, 20) Variance, 21) Violation, and other definitions as appropriate. [59.1]				X	Article I, Section 520.010
45.	Ordinance effective date 2/4/2015 Adoption date					Section 5
46.	Signature of Appropriate Office and Certification.					Section 5

REVIEW COMMENTS:

30,31,34 & 35 One (1) foot above BFE
 Additional language: Storage, material, and equipment: Nonconforming Use

HOW RECENT LEGISLATIVE CHANGES AFFECT FLOOD INSURANCE >>>



FEMA



The National Flood Insurance Program (NFIP) is in the process of implementing Congressionally mandated reforms required by the Homeowner Flood Insurance Affordability Act of 2014 that repeal and modify the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12). This fact sheet provides an overview of the changes to flood insurance rates under the NFIP. While the new law is implemented, policyholders are encouraged to maintain and keep their current flood insurance policies. Allowing policies to lapse will leave policyholders unprotected.

Policyholders who have questions about their flood insurance policies should contact their insurance agent.

CHANGES TO FLOOD INSURANCE SUBSIDIES

Several provisions of both the 2012 and 2014 laws apply to older buildings constructed before the effective date of the community's first Flood Insurance Rate Map (FIRM). Such buildings are referred to as "pre-FIRM." Many pre-FIRM buildings located in high-risk flood zones have flood insurance policies with subsidized rates. Most subsidies remain, although they will be phased out over time. The rate of phaseout will depend on the type of policy. The following charts explain how premium rates are affected for different policy types.

PRE-FIRM PRIMARY RESIDENCE POLICIES IN HIGH-RISK AREAS

For Most Pre-FIRM Primary Residences in High-Risk Areas, Subsidized Rates Remain in Effect, but with Newly Required Minimum Increases—and an 18 Percent Increase Limit for Any Individual Policy—Until Premiums Reach Their Full-Risk Rates.¹

Policy Type	Impact On Rate
Existing policies	Policies can be renewed at subsidized rates. ²
Newly written policies	Policies can be issued and renewed at subsidized rates.
Policies on newly purchased buildings	Policies can be issued and renewed at subsidized rates.
Policies re-issued after a lapse ³	Policies for pre-FIRM buildings in high-risk areas that lapsed due to a late renewal payment (received after the 30-day grace period but less than 90 days after expiration) can be re-issued and renewed at subsidized rates.

PRE-FIRM BUILDING POLICES IN HIGH-RISK AREAS

For Other Pre-FIRM Buildings in High-Risk Areas, Subsidized Rates Continue, but Will Increase More Quickly to Reach Full-Risk Rates.

Policy Type	Impact On Rate
Policies for non-primary residences (secondary or vacation homes or rental properties)	25% annual increases at policy renewal until premiums reach their full-risk rates.
Policies for business buildings	Future 25% annual increases at policy renewal.
Policies for Severe Repetitive Loss properties	25% annual increases at policy renewal for severely or repetitively flooded properties that include 1 to 4 residences.

¹ Full-risk rates are determined using data from an Elevation Certificate.

² Full-risk rates could be lower than subsidized rates.

³ Buildings with lapsed policies are not eligible for the subsidy unless the lapse was the result of the policy no longer being required to retain flood insurance coverage.

OTHER POLICIES

For Most Other Policy Types, Rates Will Increase by No More than 18 Percent for Any Individual Policy.

Policy Type	Impact On Rate
Policies for newer ("post-FIRM") buildings in high-risk areas	Not affected by subsidies; already paying full-risk rates.
Policies for buildings in moderate- to low-risk areas	Not affected by subsidies; properties in these areas (shown as B, C, or X zones on flood maps) do not pay subsidized rates.
Policies for buildings "grandfathered in" when map changes show higher flood risk	Grandfathering remains in effect at this time. Buildings constructed in compliance with earlier maps or continuously covered by flood insurance stay in their original rate class when maps change or properties are sold.
Policies for buildings covered by Preferred Risk Policy Eligibility Extension (PRP EE)	Properties continue to be eligible for lower, preferred-risk rates for the first year after a map change. Starting the following year, rates will increase by no more than 18% for any individual policy until premiums reach their full-risk rate.

REFUNDS

BW-12 required an immediate move to property-specific, full-risk rates when pre-FIRM properties were sold or new policies issued. Some policyholders saw significant premium increases. The new law allows a return to subsidized rates for most properties—and refunds of the difference paid between the subsidized rate and current full-risk rate. FEMA is working with participating insurance companies to start the refund process by the end of this year.

RATE CHANGES WHEN PROPERTIES ARE SOLD

The 2014 law protects policyholders from significant and unanticipated increases in flood insurance costs that could impact their property sales. Subsidized rates continue to apply, and as of May 1, 2014, both the policy and its subsidized rates can be transferred to the new owner. Grandfathered rates can also be transferred at the time of sale.

OTHER PROVISIONS OF THE NEW LAW

Surcharges. A new surcharge will be added to all new and renewed policies to offset the subsidized policies and achieve the financial sustainability goals of BW-12. A policy for a primary residence will include a \$25 surcharge. All other policies will include a \$250 surcharge. This new surcharge will be included on all policies, including full-risk-rated policies and Preferred Risk Policies. The surcharge will be implemented in 2015.

Deductibles. To help homeowners manage their premium costs, the law raises maximum residential deductible limits from \$5,000 to \$10,000.

To keep current as FEMA implements these and other changes to the National Flood Insurance Program, visit fema.gov/flood-insurance-reform.

Policyholders who have questions about their flood insurance policies should contact their insurance agents.

FLOOD INSURANCE PREMIUM REFUNDS: WHO GETS THEM? WHO DOES NOT? >>



FEMA



The National Flood Insurance Program (NFIP) is in the process of implementing Congressionally mandated reforms required by the Homeowner Flood Insurance Affordability Act of 2014 that repeal and modify the Biggert-Waters Flood Insurance Reform Act of 2012. The new law slows some flood insurance rate increases and offers relief to some policyholders who experienced steep flood insurance premium increases in 2013 and early 2014. The new law reinstates many of the subsidized rates that were previously eliminated and calls for refunds of the difference between the subsidized rates and the higher full-risk rates that policyholders were required to pay as a result of Biggert-Waters. The law calls for most rates to be capped at no more than 18 percent per year, resulting in more gradual rate increases. The 18 percent cap will also result in refunds for some policyholders, which insurance companies will begin issuing in October 2014. It is important to note that refunds apply only to a small group of policyholders, and most policyholders will not receive refunds. Those who do will receive refunds on increases paid to their premiums for policies effective on or after October 1, 2013.

This fact sheet provides an overview of what some eligible policyholders can expect in refunds later this year. While the new law is implemented, it is important for policyholders to maintain and keep their current flood insurance policies. Allowing policies to lapse will leave policyholders financially unprotected. Policyholders who have questions about their flood insurance policies should contact their insurance agents.

THESE POLICIES ARE ELIGIBLE FOR REFUNDS

New Policies For Some Pre-FIRM Buildings

- IF** your building is in a flood zone beginning with the letter A, D, or V¹;
- AND** the building was constructed before your community's first Flood Insurance Rate Map (FIRM) became effective (known as pre-FIRM);
- AND** the building has not been substantially damaged or improved;
- AND** your policy first became effective on or after October 1, 2013, either because you purchased the property or because you purchased flood insurance on the property for the first time

YOU MAY RECEIVE a one-time refund of the difference between the full-risk rate you paid and the subsidized rate that went into effect on October 1, 2013.

Note that only about 1 percent of flood insurance policies fall into this category.

Reinstated Policies After a Lapse for Some Pre-FIRM Buildings

- IF** your building is in a flood zone beginning with the letter A, D, or V¹;
- AND** the building was constructed before your community's first Flood Insurance Rate Map (FIRM) became effective (known as pre-FIRM);
- AND** the building has not been substantially damaged or improved;
- AND** your previously lapsed policy was reinstated at full-risk rates on or after October 4, 2012

YOU MAY RECEIVE a one-time refund of the difference between the full-risk rate you paid and the subsidized rate that went into effect on October 1, 2013.

Note that in the future, subsidized rates will eventually apply **ONLY** to policies reinstated after being dropped because coverage was no longer required by your lender (e.g., you paid off your mortgage). Don't let your policy lapse. It could cost you more when you reinstate it.

Policies That Increased by 25 Percent for Some Pre-FIRM Non-Residential² Buildings

- IF** your pre-FIRM non-residential² building is in a flood zone beginning with the letter A, D, or V¹;
- AND** you received a 25 percent increase upon policy renewal on or after October 1, 2013

YOU MAY RECEIVE a one-time refund if your premium increase was greater than 18 percent.

Policies That Increased More Than 18 Percent for Other Residential and Non-Residential² Buildings

IF the rate for your policy increased more than 18 percent at renewal on or after October 1, 2013;

YOU MAY RECEIVE a one-time refund of the difference between the higher rate you paid and the maximum 18 percent rate increase allowed under the new law.

AND your building does not fall into one of the exception categories in the next chart

THERE ARE EXCEPTIONS, as noted in the next chart.

Note that only about 13 percent of flood insurance policies fall into this category. The refund amount will typically be no more than 7 percent of your premium.

¹Flood insurance policyholders can determine their flood zones by referring to their policies.

²Non-residential buildings include, but are not limited to, businesses, warehouses, schools, churches, farm buildings, and most hotels and motels. Contact your insurance agent if you have any questions about your building.

THESE POLICIES ARE NOT ELIGIBLE FOR REFUNDS

Policies for Pre-FIRM Secondary Homes

IF your premium increase was for a pre-FIRM non-primary residence
AND your policy was in effect before July 6, 2012

YOU WILL NOT RECEIVE a refund, and your premium will continue to increase by 25 percent a year until it reaches full-risk rates.

Policies for Severely or Repetitively Flooded Buildings

IF your premium increase applied to a pre-FIRM severely or repetitively flooded property that includes 1 to 4 family residences
AND your policy was in effect before July 6, 2012

YOU WILL NOT RECEIVE a refund, and your premium will continue to increase by 25 percent a year until it reaches full-risk rates.

Policies That Increased Because of a Coverage Change

IF your premium increased only as a result of lowering your deductible, or increasing the dollar amount of your coverage

YOU WILL NOT RECEIVE a refund.

Participating insurers (Write Your Own insurance companies and the NFIP Direct Servicing Agent) will send the refund checks to policyholders. Refunds apply only to premium rate increases.

To keep current as FEMA implements these and other changes to the NFIP, visit fema.gov/flood-insurance-reform

Policyholders who have questions about their flood insurance policies should contact their insurance agents.

To find an agent, visit FloodSmart.gov