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JUL 11 1997

EXECUTIVE ORDER
97-09

Rebecca McDowell Cook
SECRETARY OF STATE

WHEREAS, expanded uses of the State's floodplains are occurring in some areas; and

WHEREAS, studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures and implementation of the National Flood Insurance Program; and

WHEREAS, the State of Missouri has continuing programs for the construction of structures, roads, and other facilities and annually acquires and disposes of land, all of which significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of programs for federal loans and mortgage insurance, state and federal financial assistance are determining factors in the utilization of land; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Act of 1968, as amended, is dependent upon state coordination of federal, state and local aspects of floodplain, mudslide areas, and flood-related erosion area management activities in the State; and

WHEREAS, the Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of state and local communities to participate in the National Flood Insurance Program, which participation depends on state coordination and the designation of an agency in the state of Missouri to be responsible for coordinating floodplain, mudslide areas, and flood-related erosion area management activities in the State of Missouri; and

WHEREAS, the Federal Emergency Management Agency provides an alternative method for state agency construction and development to be managed and regulated by the state, rather than by local communities, at Title 44 CFR, Section 60.12(a)(2); and

WHEREAS, the State of Missouri is required to designate a State Coordinating Agency to be responsible for state coordination; and

WHEREAS, Governor Mel Carnahan issued Executive Order 97-08 on July 8, 1997; and

WHEREAS, it is necessary to clarify provisions in Executive Order 97-08; and

WHEREAS, Governor Mel Carnahan has declared himself effectively absent from 12:00 p.m., July 8, 1997, through 4:25 p.m., July 23, 1997.

NOW, THEREFORE, I, Roger B. Wilson, Acting Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of Missouri, rescind Executive Order 97-08 and hereby order as follows:

Section 1. The State of Missouri will encourage a broad and unified effort to insure that future uses and development of the State's floodplains are analyzed and used in a manner to lessen the risk of flood losses, particularly in connection with State lands and installations and State financed or supported improvements. Specifically:

(1) The Director of the State Emergency Management Agency (SEMA) or his designee is the State Coordinator of the National Flood Insurance Program in Missouri, as described in Title 44, Section 60.25 of the Code of Federal Regulations.

(2) In accordance with Title 44, Section 60.3 of the Code of Federal Regulations, the directors of the Office of Administration, Division of Design and Construction, Departments of Public Safety (including the National Guard), Revenue, Mental Health, Social Services, Health, Higher Education,

Elementary and Secondary Education, Transportation, Conservation, Natural Resources, Agriculture, Corrections, Economic Development, Insurance, Labor and Industrial Relations and any other board, commission or agency under the Executive Branch, directly responsible for the development shall make every effort to preclude the hazardous, unnecessary or unwise use of floodplains in connection with such development. All Executive Branch agencies shall obtain a floodplain development permit from SEMA for all proposed, state-owned development to be located in a special flood hazard area. Such permits shall be obtained prior to the start of construction. Floodplain Development permit, issued by the State Emergency Management Agency (SEMA), will be based on the minimum criteria established in the Code of Federal Regulations at Title 44, Section 60.3; and under the alternative procedures authorized at Title 44 CFR, Sections 60.11 to 60.13, it is intended that the SEMA permit will be the only local floodplain permit required for state agency development. For purposes of this section, state development includes leased facilities.

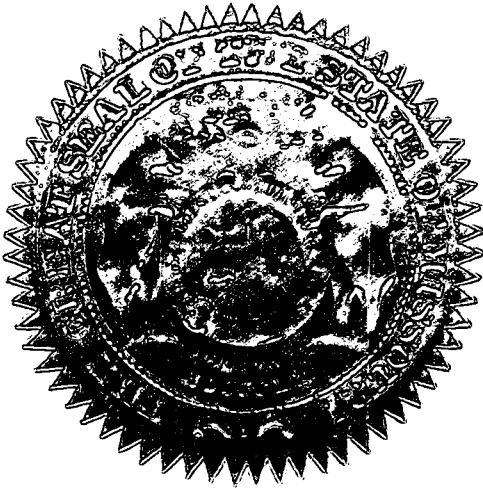
(3) All state agencies responsible for the administration of grant or loan programs involving a development in a special flood hazard area, shall: require the grantee or loan recipient to evaluate flood hazards in connection with such developments; minimize the exposure of developments to potential flood damage and the need for state expenditures for flood protection and flood disaster relief; make every effort to preclude the hazardous, unnecessary or unwise use of special flood hazard areas in connection with such development; and obtain any required floodplain development permits if necessary.

(4) All state agencies shall take flood hazards into account when evaluating programs, plans and projects and shall provide for measures to prevent or guard against such flood hazards, appropriate to the degree of hazard involved.

(5) This Executive Order shall supersede all previous Executive Orders on this subject.

Section 2. State Floodplain Management Regulations for State-Owned Development are attached hereto and are hereby made a part of this Executive Order. These regulations may be amended from time to time by the State Coordinator so long as such amendments remain within the scope and purpose of this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 11th day of July, 1997.



Roger B. Wilson

ACTING GOVERNOR

ATTEST:

Rebecca M. Dorell

SECRETARY OF STATE

APPENDIX I

FLOODPLAIN MANAGEMENT
REGULATIONS
FOR
STATE OWNED DEVELOPMENT
STATE OF MISSOURI

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ARTICLE 1. FINDINGS OF FACT AND PURPOSE

SECTION A. Findings of Fact

1. The State of Missouri is subject to periodic flooding which results in loss of life, property, 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 of the people of the State of Missouri.

SECTION B. Statement of Purpose

It is the purpose of this regulation to direct State agencies to lead by example to minimize damage, promote responsible land use activities within a floodplain such as open space, recreation and wetland management and to promote the public health, safety, and general welfare at all times so that when flooding occurs State buildings will be useable.

ARTICLE 2. DEFINITIONS

Words or phrases defined in Appendix A shall apply.

ARTICLE 3. GENERAL PROVISIONS

SECTION A. Lands to Which This Regulation Apply

This regulation applies to all areas of the State with special emphasis on special flood hazard areas owned, leased, or managed by the State of Missouri.

This regulation shall apply to all areas of the State identified as numbered and unnumbered A zones, AE, AO, and AH Zones, on the Flood Hazard Boundary Map (FHBM), the Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM) currently in use, and any future revisions thereto.

SECTION B. Basis for Establishing the Base Flood Elevation (BFE)/also Referred to as the 100 Year Floodplain or Base Flood Area

The State is deemed to be a community under the provisions of the National Flood Insurance Act of 1968, as amended. The State, as a community, will comply with minimum criteria established in the Code of Federal Regulations, Chapter 44, 60.3.

In the application of these regulations, the most current Federal Insurance Administration flood map issued to a community where the property is located, will be used. This map may be a Flood Hazard Boundary Map, Flood Boundary and

Floodway Map, or Flood Insurance Rate Map. If no map has been issued by the Federal Insurance Administration, then the best available data from federal, state, local, private sources or new study products will be used in determining the Base Flood Elevation and the area inundated and applicability of these regulations. The determination shall be certified as directed in ARTICLE 4., SECTION A. (2), (a).

SECTION C. Compliance

No State structure shall hereafter be located, extended, converted, or structurally altered nor State land converted to another use without full compliance with the terms of this regulation and other applicable regulations.

SECTION D. Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION E. Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased or decreased by man-made or natural causes. This regulation 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 regulation shall not create liability on the part of the State of Missouri or by any agency, officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION F. Severability

If any section, clause, provision, or portion of this regulation is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 4. ADMINISTRATION

SECTION A. Duties and Responsibilities

1. The State Coordinator shall:

(a) review all State plans to assure sites are reasonably safe from flooding and the requirements of this regulation have been satisfied.

(b) obtain, review, and reasonably utilize any base flood elevation data available from federal, state, local, or other source.

(c) the State Coordinator will make the necessary interpretation, to determine the boundaries of the areas of special flood hazards, where there appears to be a conflict between a mapped boundary and actual field conditions.

(d) maintain records pertaining to the provisions of this regulation. All records shall be open for public inspection.

(e) notify communities adjacent to the development or alteration or relocation of a watercourse of the intended action and consider their comments prior to reaching a decision of approval or rejection.

(f) implement the above duties to assist local governments and State agencies to promote mitigation.

(g) issue floodplain permits for State developments.

(h) notify communities when floodplain permits have been issued for state development in these jurisdictions.

2. All State agencies shall:

(a) reference all proposals for state-owned development to the base flood elevation and locations on the most current flood map issued to a community where the property is located. This map may be a Flood Hazard Boundary Map, Flood Boundary and Floodway Map, or Flood Insurance Rate Map. If no map has been issued by the Federal Insurance Administration, then the best available data shall be used.

The elevations and areas subject to flooding by the base flood or a flood of a one percent chance of reoccurrence shall be certified by a registered professional engineer, registered in the State of Missouri. The engineer shall affix his/her signature on or through his/her seal and place the original date under the seal.

(b) obtain a floodplain development permit from the State Coordinator for all proposed state-owned development that is to be leased to the state that is to be located in a special flood hazard area,

approval must be gained from the appropriate floodplain management authority.

(c) verify and record the elevation (in mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and submit a copy to the participating community or State Coordinator.

(d) verify and record the elevation (in mean sea level) of which new or substantially improved structures have been floodproofed, and submit a copy to the participating community or State Coordinator.

(e) withhold approval for construction and implementation of proposed activity until the State Coordinator permits the proposal.

(f) certify the adequacy of floodproofing utilized for a particular structure, and submit a copy to the participating community or State Coordinator.

(g) shall be responsible for implementing these regulations as they pertain to State property.

SECTION B. Appeal and Variance Procedures

Appeals and requests for variances from the requirements of this regulation shall be made in writing by the Department Director to the Governor with a copy to the State Coordinator. Records of variance requests and actions taken shall be maintained by the State Coordinator in accordance with Chapter 44, Section 60.6 of the Code of Federal Regulations.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. General Standards

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO and AH zones, unless the conditions of this regulations are satisfied.

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this regulation.

If Flood Insurance Study data is not available, the agency shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

3. Until a floodway is designated, no new construction, substantial-improvements, or other development, including fill, shall be permitted within any numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed 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.

SECTION B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Article 3, Section B or Article 4, Section A (1) (b) and Section A (2) (a, c and d), the following provisions are required:

1. Residential Construction - New construction or substantial-improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

2. Non-residential Construction - New construction or substantial-improvement of any non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic or hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify the standards of this subsection are satisfied.

3. Manufactured Homes - Require that all manufactured homes to be placed or substantially improved within all unnumbered and numbered A zones, AE and AH zones, be elevated so that either:

a. the lowest floor of the manufactured home is at or 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.

4. Areas of Shallow Flooding (AO and AH zones) - Located within the areas of special flood hazard as described in Article 3, Section A are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

a. AO Zones

i. All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

ii. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that 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.

iii. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

b. AH Zones

i. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 5, Section B.

ii. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

5. Floodways - Located within areas of special flood hazard established in Article 3, Section A 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:

a. The State 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.

a. The State shall prohibit any encroachments, including fill, 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.

6. Recreational Vehicles

1. Require that recreational vehicles placed on sites within all unnumbered and number A zones, AO, AE, and AH zones on the community's FIRM either:
 - a. be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use*; or
 - b. meet the permitting, elevating, and the anchoring requirements for manufactured homes of this ordinance.

* A recreational vehicle is 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.

ARTICLE 6. NON-CONFORMING USE

1. A structure or the use of a structure on premises which existed before August 11, 1977, but which is not in conformity with the provisions of this regulation 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 ordinance.
- 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.

ARTICLE 7. AMENDMENTS

This regulation may from time to time be amended, supplemented, changed or repealed, by the State Coordinator, to reflect any and all changes in the National Flood Insurance Program as amended or make other amendments so long as such amendments remain within the scope and purpose of this Executive Order. The provisions of this regulation are in compliance with the National Flood Insurance Program Regulations.

DEFINITIONS

"100-year Flood" See "base flood."

"Accessory Structure" means the same as appurtenant structure.

"Actuarial Rates" or **"Risk Premium Rates"** mean those rates established by the Federal Insurance 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.

"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 ordinance 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 Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

"Base flood" or **"100-year flood"** means the flood having one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" see "structure."

"Channel" means a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

"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, excavating or drilling operations, or storing 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 manufacturing 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) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (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 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 Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study” or **“Flood Elevation Study”** 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.

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“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.

“Floodway Fringe” is the area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

“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 clogged 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” is any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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.

“Levee” means a man-made structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“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 non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected 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) or the Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency.

“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 a 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 a community.

"NFIP" means the National Flood Insurance Program.

"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.

"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.

"Risk Premiums Rates" include provisions for operating costs and allowances (see also "*actuarial or risk premium rates*").

"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, AO, AE, or AH.

"Start of Construction" includes substantial-improvement, 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 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, or 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, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, 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.

“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 pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial-improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“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 ordinance 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.