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THE CITY OF WESTPHALIA, MISSOURI

ORDINANCE NO. 20-4

AN ORDINANCE OF THE CITY OF WESTPHALIA, MISSOURI

FLOODPLAIN MANAGEMENT
ADMINISTRATIVE PROCEDURES GUIDE

Floodplain Management Administrative Procedures Guide for City of Westphalia, Missouri

The City of Westphalia, Missouri, has established this Floodplain Management Administrative Procedures Guide for compliance with the National Flood Insurance Program. All permits shall follow the policies and procedures set forth in this guide to ensure all structures in the City of Westphalia are reasonably safe from flooding. The actual floodplain management authority has been established through Ordinance 20-3 as adopted by the City of Westphalia.

Section I: Duties of the Floodplain Administrator

- A. The Mayor is designated as the Floodplain Administrator.
- B. The duties of the Floodplain Administrator shall include, but not be limited to:
 - 1. be well versed in the community's floodplain regulations established by the Floodplain Management Ordinance 20-3,
 - 2. conduct inspections,
 - 3. take enforcement actions when necessary,
 - 4. interact in variance and appeal processes,
 - 5. keep records of all floodplain development,
 - 6. collect fees that may so be required,
 - 7. investigate complaints of violations,
 - 8. maintain and update administrative forms,
 - 9. coordinate map appeals and revisions,
 - 10. maintain floodplain maps and flood data,
 - 11. disseminate floodplain management information,
 - 12. complete FEMA biennial reports,
 - 13. review all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of Ordinance 20-3 have been satisfied;
 - 14. 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;
 - 15. 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;

16. issue floodplain development permits for all approved applications;
17. notify adjacent communities and the State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
18. assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
19. where base flood elevation from other sources is utilized within unnumbered A zones:
 - a. 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;
 - b. 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;
 - c. when floodproofing techniques are utilized for a particular non-residential structure, the Mayor shall require certification from a registered professional engineer or architect.

Section II. Floodplain Development Permitting System

- A. Floodplain development permit applications shall be submitted to the Floodplain Administrator.
- B. 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 building or work;
 2. identify and describe the work to be covered by the floodplain development permit;
 3. indicate the use or occupancy for which the proposed work is intended;
 4. indicate the assessed value of the structure and the fair market value of the improvement;
 5. identify the existing base flood elevation and the elevation of the proposed development;
 6. give such other information as reasonably may be required by the Mayor (Floodplain Administrator);
 7. be accompanied by plans and specifications for proposed construction; and
 8. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
 9. include certified documents as indicated in the Floodplain Management Ordinance 20-3.
- C. Approval or Denial of the Floodplain Development Permit Application is determined by the Floodplain Administrator. This procedure shall be performed as follows:

1. Approval. Upon final approval of the floodplain development permit, the Floodplain Administrator shall notify the applicant in writing. Approved permits, along with all supporting documentation, shall be maintained by the Floodplain Administrator.
2. Conditional Approval. Any conditions issued as part of the approval shall be documented to the applicant in writing by the Floodplain Administrator and attached to the permit application. Verification of all conditions shall be performed at the time of the site inspections. Conditional permits, along with all supporting documentation, shall be maintained by the Floodplain Administrator.
3. Denial. If an application is denied, the Floodplain Administrator shall notify the applicant in writing and return all but one (1) copy of any supporting documentation. In addition, the Floodplain Administrator shall clearly state the reasons for denial. A copy of the denied permit application, along with one (1) copy of all supporting documentation, shall be maintained by the Floodplain Administrator.

Section III. Enforcement Actions

- A. Violation of the provisions of the Floodplain Management Ordinance 20-3 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 Ordinance 20-3 or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the City of Westphalia, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section IV. Variances

- A. Establish Appeal Board
The Board of Aldermen as established by the City of Westphalia, shall hear and decide appeals and requests for variances from the floodplain management requirements of Ordinance 20-3.
- B. Responsibility of Appeal Board
 1. 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 Appeal Board.
 2. The Board of Aldermen 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 Ordinance 20-3.
- C. Further Appeals
Any person aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Circuit Court of Osage County as provided in 89.110 RSMo.
- D. Variance Criteria
In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of Ordinance 20-3, 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 community;
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 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. A community 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 Ordinance 20-3.

F. Conditions for Approving Variances for Accessory Structures

1. Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Ordinance 20-3.
2. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:
 - a. use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM);
 - b. for any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Ordinance 20-3;
 - c. the accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance Ordinance 20-3. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces;
 - d. any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Ordinance 20-3;
 - e. the accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Ordinance 20-3;
 - f. the accessory structures must comply with the floodplain management floodway encroachment provisions of Ordinance 20-3. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood;
 - g. equipment, machinery, or other contents must be protected from any flood damage;
 - h. no disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the accessory structures;

- i. a community 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 Ordinance 20-3;
- j. wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section V. Record Keeping

- A. Floodplain Develop Permits. All floodplain development permits shall be in a separate file for floodplain development and stored in the Floodplain Administrator's files. The Floodplain Administrator shall be responsible for maintaining and updating the floodplain files. Any map revisions received as a part of the development shall be filed with the development's floodplain permit file. However, a copy of the map revision shall be kept in a central file for map revisions as described below.
- B. NFIP/Floodplain Management Related Documents. Additional documents related to the administration of the community's floodplain but not related to a development as to be tied to a permit shall be filed in the Floodplain Administrator's files.
- C. Administrative Forms. Forms for floodplain management shall be kept in the Floodplain Administrator's files. Digital copies of the forms can be located on the Missouri State Emergency Agency's website.

Section VI. Map Appeals and Revisions

- A. Map Revisions by Development. All map revisions related to a development shall be filed with that development's floodplain development permit. However, a copy of each map revision related to a development shall also be filed in the central map revision file maintained by the Floodplain Administrator.
- B. Map Revisions Other than by Development. All map revisions unrelated to a development shall be filed in the central map revision file maintained by the Floodplain Administrator.
- C. Map Revision Appeals and Clarifications. All appeals for amendment/revision to the City's FIRM/FBFM/FIS or any correspondence related to clarifying the location of a floodplain or floodway location shall be filed in the central Map Appeals and Clarification file maintained by the Floodplain Administrator.
- D. FEMA Maps and Studies. At least three (3) hard copies of the community's most recent FIRMs or FBFMs and FISs shall be kept in the Floodplain Administrator's files.
- E. Unnumbered "A" Zones. When a community has entered the regular phase of the NFIP through a special conversion of their Flood Hazard Boundary Map (FHBM) over to a Flood Insurance Risk Map (FIRM), the flood areas designated as "Zone A" may be the only flood zone designation. These zones do not have base flood elevations established by study. The lack of elevations on the map does not remove the requirement for elevating structures. In this case, the community is required to obtain, review and use any base flood elevation data or floodway data available from a Federal, State or other source. Developers may perform the necessary calculations to determine these zones and elevations in support of their development applications. This data, along with any other data available to establish zone designations and BFEs, shall be reviewed by the Floodplain Administrator and, on confirmation, be posted to the official community

floodplain maps. Calculations and other supporting documents shall be maintained in the central Approximate "A" Zones file maintained by the Floodplain Administrator.

Section VII. Biennial Reports

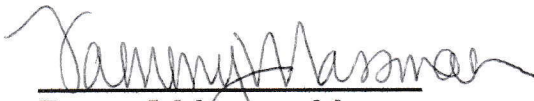
- A. Every two (2) years, FEMA sends a preprinted form to the community floodplain administrators that should be completed and returned within thirty (30) days. It requests information concerning any changes to the community's flood hazard area, development activities that have taken place in the floodplain and verifications of the number of floodplain residents and structures.
- B. The report must be signed by the Floodplain Administrator and returned to FEMA at the address provided. A copy of the completed report shall be retained in the central biennial report file maintained by the Floodplain Administrator.
- C. The biennial report indicates to FEMA the degree of development pressure on the floodplain. Variances issued in the floodplain are of particular interest to FEMA. A copy of the entire central variance file maintained by the Floodplain Administrator shall be provided to FEMA with each biennial report.

Section VIII. Certificate of Adoption

WHEREAS, this Floodplain Management Administrative Procedures Guide Ordinance 20-4 for the community of the City of Westphalia, Missouri shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval by the Mayor, City of Westphalia, Missouri.

This Floodplain Management Administrative Procedures Guide 20-4 for the community of the City of Westphalia, Missouri, is ADOPTED AND APPROVED by the Board of Aldermen of the City of Westphalia, and

DULY PASSED on this 30th day of June, 2020.



Tammy J. Massman, Mayor
Chief Executive Officer/Chief Elected Official

City of Westphalia – City Hall
116 East Main Street
P. O. Box 36
Westphalia, MO 65085

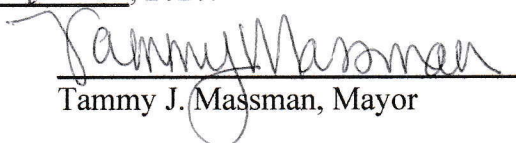
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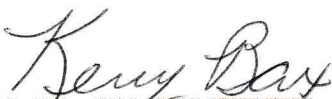
Kerry Bax, City Clerk

STATEMENT OF THE AYES AND NAYS: 4-Ayes 0-Nays

APPROVED this 30th day of June, 2020.


Tammy J. Massman, Mayor

ATTEST:



Kerry Bax, City Clerk

Place seal here.

