

Part 12

FLOODPLAIN MANAGEMENT REGULATIONS

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SECTION 12-401 STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has delegated the responsibility to local governmental units to adopt these regulations designed to minimize flood losses. On the 23rd day of July, 2001, the Town of Verdigris enacted certain Zoning Ordinances which included “Section 2.8 Flood District Provisions”. These revised Floodplain Management Regulations shall go into effect the 1st day of July, 2012, and shall repeal and replace Section 2.8 Flood District Provisions contained in the Verdigris Zoning Ordinances, including paragraphs 2.8.1 through 2.8.8.

SECTION 12-402 STATEMENT OF PURPOSE

It is the purpose of these Floodplain Management Regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure potential buyers are notified that property is in a flood area.

SECTION 12-403 FINDINGS OF FACT

The flood hazard areas of the Town of Verdigris are subject to periodic inundation which results, or may result, in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed, or otherwise protected from flood damage.

SECTION 12-404 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, these Floodplain Management Regulations use the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 12-405 DEFINITIONS

Unless specifically defined in this section, words or phrases used in these Floodplain Management Regulations shall be interpreted to give them the meaning they have in common usage and to give these Floodplain Management Regulations its most reasonable application.

1. Accessory Structure – means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include, but are not limited to, garages and storage sheds.
2. Area of special flood hazard – means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
3. Base flood – means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
4. Base Flood Elevation – means the elevation in feet above mean sea level of the base flood or 1% chance flood.
5. Basement – means any area of the building having its floor sub-grade (below ground level) on all sides.
6. BFE – means base flood elevation.
7. CFR – means Code of Federal Regulations.
8. Critical feature – means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
9. Development – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
10. Development Permit – means a permit issued by the Town of Verdigris Floodplain Administrator which authorizes development in a special flood hazard area in accordance with these Floodplain Management Regulations.
11. Dwelling unit – means a place of residence and may be a single or multiple-dwelling building.
12. Elevated building – means a non-basement building:
 - a. Built, in the case of a building in Zones AE, A, and X to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood.
 - b. Also, in the case of Zones AE, A, and X, “elevated building” includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

13. Existing construction – means for the purpose 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.
14. 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 August 4, 1972.
15. 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).
16. FEMA – means the Federal Emergency Management Agency.
17. FIRM – means Flood Insurance Rate Map.
18. Flood or flooding – means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters, or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
19. Flood Insurance Rate Map (FIRM) – means an official map of the Town of Verdigris, on which the Federal Emergency Management Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.
20. Flood insurance study – means the official report provided by FEMA for the Town of Verdigris which contains flood profiles, the water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.
21. Floodplain Administrator – means a person accredited by the OWRB and designated by the Town Board of Trustees of the Town of Verdigris, Oklahoma, to administer and implement laws, ordinances and regulations relating to the management of floodplains.
22. Floodplain or flood prone area – means the land adjacent to a body of water which has been or may be covered by flooding, including, but not limited to, the one-hundred-year flood. (See also definition of flooding).

23. 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.
24. Floodplain management regulations – means the codes, ordinances and other regulations relating to the use of land and construction within the channel and floodplain areas including, but not limited to, zoning ordinances, platting regulations, building codes, housing codes, set back requirements and open area regulations.
25. 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 areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
26. Floodway – means the channel of a stream, watercourse or body of water and those portions of floodplains which are reasonably required to carry and discharge the floodwater or floodflow of any river or stream.
27. Functionally dependent use – means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
28. Highest adjacent grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
29. 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.
30. 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.
 31. Levee system – means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
 32. 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 requirement of Section 60.3 of Title 44 CFR.
 33. 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.
 34. 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.
 35. Mean sea level – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, as it may be amended from time to time, to which base flood elevations shown on the Town of Verdigris Flood Insurance Rate Map are referenced.
 36. New construction – means, for the purpose 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 regulation adopted by the Town of Verdigris, Board of Trustees and includes subsequent improvements to such structures.
 37. New 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 on or after the effective date of floodplain management regulations adopted by the Town of Verdigris, Board of Trustees.

38. No Rise – means that no structure or construction activities shall increase the water surface elevation of the base flood by more than 0.01 feet, unless otherwise approved by the Floodplain Administrator by means of a variance.
39. OWRB – means the Oklahoma Water Resources Board.
40. One-hundred-year flood – means a flood which has a one percent (1%) chance of occurring each year, based upon the criteria established by the Oklahoma Water Resources Board.
41. 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.
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
42. Start of construction – means (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), and includes substantial improvement) the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (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 slab 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; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of accessory buildings on property, 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.
43. Structure – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
44. 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.

45. Substantial improvement – means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
- a. 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 conditions.
 - b. Any alteration of a historic structure provided that the alteration would not preclude the structure’s continued designation as a historic structure.
46. Town – means the Town of Verdigris, Oklahoma.
47. Variance – means a grant of relief by the Floodplain Board to a person from the requirements of these Floodplain Management Regulations when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these Floodplain Management Regulations (for full requirements see Section 60.6 of Title 44 CFR).
48. Violation – means the failure of a structure or other development to be fully compliant with these Floodplain Management Regulations.
49. Water surface elevation – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988 (or other datum, where specified), as it may be amended from time to time, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 12-406 GENERAL PROVISIONS

1. These Floodplain Management Regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Verdigris, Oklahoma.
2. The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, “The Flood Insurance Study for Rogers County, Oklahoma and Incorporated Areas” dated April 3, 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted, by reference and declared to be a part of these Floodplain Management Regulations.
3. A Development Permit shall be required to ensure conformance with the provisions of these Floodplain Management Regulations.

4. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of these Floodplain Management Regulations and other applicable regulations.
5. These Floodplain Management Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and any other regulation, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. In the interpretation and application of these Floodplain Management Regulations, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under State statutes.
7. The degree of flood protection required by these Floodplain Management Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These Floodplain Management Regulations do 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. These Floodplain Management Regulations shall not create liability on the part of the Town of Verdigris or any board, committee, trust authority, official or employee thereof for any flood damages that result from reliance on these Floodplain Managements Regulations or any administrative decision lawfully made hereunder.

SECTION 12-407 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Town Board of Trustees shall designate a Floodplain Administrator to administer and implement the provisions of these Floodplain Management Regulations and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

SECTION 12-408 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended;
2. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;

3. Review, approve or deny all applications for Development Permits required by these Floodplain Management Regulations;
4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies or entities from which prior approval is required;
5. Make the necessary interpretation, where interpretation is needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
8. Require the developer/applicant to determine and provide the base flood elevation on a FEMA Elevation Certificate as well as other data as required in order to administer the provisions of Section 12-411 through Section 12-415;
9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Rogers County and Incorporated Areas 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 0.01 feet at any point within the Town of Verdigris;
10. After a disaster or other type of damage occurrence to structures in the Town of Verdigris, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement;
11. Maintain a record of all actions involving an appeal from a decision of the Town Board of Trustees; and
12. Maintain and hold open for public inspection all records pertaining to the provisions of these Floodplain Management Regulations.

SECTION 12-409 PERMIT PROCEDURES

1. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of

proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
 - b. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these Floodplain Management Regulations and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed development and/or facilities and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property to be developed in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the development and/or facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - j. The relationship of the proposed use to the comprehensive plan for that area.
3. The Floodplain Administrator or Town Board of Trustees, as applicable, may approve certain development in Zones A or AE delineated on the Rogers County and Incorporated Areas FIRM which increases the water surface elevation of the base flood by more than 0.01 feet, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12, as it may be amended or replaced from time-to-time.

4. Any structure or construction activity shall not increase the water surface elevation of the base flood by more than 0.01 feet or modify the existing floodplain boundaries that exist on the latest publication of the FIRM unless the appropriate map revisions/amendments are approved by FEMA (e.g. Letter of Map Revision LOMR, or Letter of Map Amendment, LOMA). The owner of such structure or construction activity shall have full responsibility for obtaining any such map revisions/amendments.
5. The Floodplain Administrator or Town Board of Trustees may require applicable FEMA approval for any structure or construction activity within a floodplain prior to issuance of a Development Permit.

SECTION 12-410 VARIANCES

1. General provisions.
 - a. The Verdigris Floodplain Board may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or these Floodplain Management Regulations, if the applicant for the variance presents adequate proof that (i) compliance with these Floodplain Management Regulations will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section 12-410. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards;
 - b. Any variance so granted shall not be construed so as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state;
 - c. In no case shall variances be effective for a period longer than twenty (20) years;
 - d. Any person seeking a variance shall submit an application with the Verdigris Floodplain Board, accompanied by a filing fee of Twenty-five dollars (\$25.00);
 - e. 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 the relevant factors in Section 12-409(2) and provisions of Section 12-410 have been fully considered. As the lot size increases beyond one-half of an acre, the technical justification required for issuing the variance increases;
 - f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Mayor or Floodplain Administration which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property;

- g. At such time as the Verdigris Floodplain Board deems the petition ready for notification to the public, the Floodplain Board shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Rogers County at least thirty (30) days prior to the hearing;
 - h. The Verdigris Floodplain Board shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section 12-410. The Verdigris Floodplain Board shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted;
 - i. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) 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, regulations or ordinances; and
 - (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - j. Upon consideration of the factors stated in this Section 12-410 and the intent of these Floodplain Management Regulations, the Verdigris Floodplain Board may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Section 12-402 and generally in these Floodplain Management Regulations; and
 - k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.
 - l. Revisions adverse to an applicant requesting a variance may be appealed to the Verdigris Board of Adjustment.
2. Special provisions.
- a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these Floodplain Management Regulations;

- b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;
- c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and
- d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria of Section 12-410(1)(e); Section 12-410(1)(i); Section 12-410(2)(b); and Section 12-410(2)(c) of these Floodplain Management Regulations are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION 12-411 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-412 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazards the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least two (2) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied;
2. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least two (2) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied;
3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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:
 - a. 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;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
4. Manufactured Homes. Require that all manufactured homes to be placed anywhere within the community in Flood Zones A and/or AE on the Rogers County and Incorporated Areas FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least two (2) foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring

requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home;

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the Rogers County and Incorporated Areas 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 permit requirements of Section 12-409, and the elevation and anchoring requirements for "manufactured homes" in Section 12-412(4). 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.

6. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Rogers County and Incorporated Areas FIRM shall comply with the following:
 - a. The structure shall be unfinished on the interior;
 - b. The structure shall be used only for parking and limited storage;
 - c. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
 - d. Service facilities such as electrical and heating equipment must be elevated to 2 feet above the BFE;
 - e. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - f. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
 - g. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
 - h. Floodway requirements must be met in the construction of the structure;
 - i. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
 - j. The structure shall be located so as not to cause damage to adjacent and nearby structures.

SECTION 12-413 STANDARDS FOR SUBDIVISIONS

1. The applicant for a Development Permit for any subdivision located in Zones A and AE shall generate the base flood elevation data for that subdivision.
2. All subdivisions, including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All subdivisions, including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 12-414 FLOODWAYS

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted 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 Town of Verdigris during the occurrence of the base flood discharge.
2. If Section 12-414(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 12-411 through 12-415.
3. The Town of Verdigris may permit encroachments within the adopted floodway that would result in an increase less than 0.01 feet in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

SECTION 12-415 SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 12-416 FLOODPLAIN MANAGEMENT FEE SCHEDULE

The Town of Verdigris establishes the following fee schedule not to exceed \$500 for any one service:

1. Notice of Intent Fee - \$25.00
2. Floodplain Development Permit Application Review fee - \$400
3. Floodplain Development Permit Fee - \$25.00
4. Inspection Fee – per inspection - \$25.00

SECTION 12-417 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these Floodplain Management Regulations and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in these Floodplain Management Regulations is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of these Floodplain Management Regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates these Floodplain Management Regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town Board of Trustees or its Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

FLOODPLAIN MANAGEMENT REGULATIONS ADOPTED BY THE TOWN BOARD OF TRUSTEES, VERDIGRIS, OKLAHOMA, THIS 17TH DAY OF MAY, 2012.

Mayor, Keith Crawford

I, _____, the undersigned Town Clerk of the Town of Verdigris, hereby certify that the above is a true and correct copy of a flood damage prevention ordinance duly adopted by the Town Board of Trustees, Verdigris, Oklahoma, at a Regular Meeting of said Town Board duly convened and held on May 17, 2012. I further certify that the Oklahoma Open Meeting Act was complied with in all respects for such meeting.

Susan Beck, Town Clerk
(SEAL)