

ORDINANCE 343

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA AMENDING AND REVISING CITY CODE, CHAPTER 151, FLOOD DAMAGE PREVENTION, §151.015 DEFINITIONS AND §151.062 (A)(2) APPROVAL OF PERMITS AND PLANS

WHEREAS, the Common Council of the City of Elkins, West Virginia, previously adopted an ordinance concerning flood damage prevention which is codified in the City Code, Chapter 151; and

WHEREAS, the Federal Emergency Management Agency, National Flood Insurance Program personnel issued a Community Assistance Visit (CAV) Report after their visit to the City; and

WHEREAS, the Community Assistance Visit (CAV) Report made several recommendations concerning Chapter 151 which would amend and revise §151.015 Definitions and §151.062 (A)(2) Approval of Permits and Plans; and

WHEREAS, the Common Council has determined that by making these amendments and revisions to said Chapter 151, and the specific sections referred to herein is in the best interests of the citizens of the City.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, §151.015 Definitions and §151.062 (A)(2), Approval of Permits and Plans be amended and revised as follows:

§151.015 Definitions.

(Original Additional Omitted)

REMEDY A VIOLATION. To bring a structure or other development into compliance with the requirements of this chapter, or if full compliance is not possible, to reduce the adverse impact of the noncompliance to the greatest extent feasible.

REPETITIVE LOSS. Loss is flood damage to a structure on two occasions during a ten-year period that ends on the date of the second flood loss for which the cost to repair the flood damage, on average, equaled or exceeded 25 percent of the market value of the structure at the time of each loss.

SPECIAL FLOOD HAZARD AREA. The land in the floodplain area subject to a 1% or greater chance of flooding in any given year. SPECIAL FLOOD HAZARD AREAS are

designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AO, A1-30, and A99. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in this chapter.

(Original Additional Omitted)

§151.062 Approval of Permits and Plans.

(A)(2) The Floodplain Administrator shall ensure that substantial improvements, including any repair of a building that has been substantially damaged or suffered repetitive loss, are undertaken only with valid permits. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter, state and federal laws and regulations. All the decisions made by the Floodplain Administrator shall be made according to the Administrative Procedure for Review of Substantial Improvement and Substantial Damage previously adopted by the City Common Council.

The changes and amendments to Chapter 51: Flood Damage Prevention are only to the sections referred to herein and all other sections of said chapter shall remain in full force and effect.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

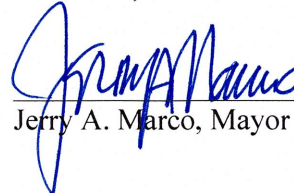
PASSED AND APPROVED ON FIRST READING: January 9, 2025.

PASSED AND APPROVED ON FINAL READING: January 23, 2025.



Attest: Sutton R. Stokes, City Clerk

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor