

Unit 3

Your Roles and Responsibilities in Carrying Out Floodplain Management in Your Community_____

No higher duty can devolve upon the city authorities than that of protecting the property, health, and lives of the people; this is their permanent duty—a duty which cannot be evaded, nor can their right to do so be lost by neglect or bartered away.

City of Welch v. Mitchell, 121 SE 165 (1924)
(The first case involving floodplain regulations)

Overview

This unit describes the roles and responsibilities of the local official designated to enforce the community’s ordinances and codes, including those pertaining to management of its floodplains. The additional duties to address the NFIP and state floodplain management requirements are also covered in general terms. A more detailed discussion of these duties is contained in the units on Administering Your Floodplain Management Ordinance, Administrative Issues Relating to National Flood Insurance Program Requirements, and Enforcement of the Ordinance.

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References

National Archives and Records Administration

- 1996 Code of Federal Regulations: Title 44-Emergency Management and Assistance. Chapter 1-Federal Emergency Management Agency. Special Edition of the *Federal Register*. Washington, DC: U.S. Government Printing Office.

A. Roles and Responsibilities of the Local Administrator

The state grants local units of government the police powers and the duty to adopt, administer, and enforce local codes and regulations controlling uses of land, including floodplain management regulations. Generally, elected officials delegate authority for ordinance administration and enforcement to a subordinate officer.

A local floodplain administrator might be selected from an existing local staff position, such as the building inspector, community zoning official, engineer, or planner. The community might contract to have the county, another jurisdiction or authority, or a private firm do this work.

In general, the administrator is responsible for ensuring that development activities within the community comply with local floodplain management regulations and other applicable codes and regulations.

Duties of the administrator vary depending on the kind, size, and characteristics of the individual municipality. However, there are certain responsibilities common to all who administer local ordinances, as described below. There are additional duties to address the community’s flood-risk areas and the NFIP and state requirements, which will be described in the next part of this unit.

Roles and Responsibilities

- Understand regulations
- Review permit applications
- Determine compliance
- Coordinate permit reviews
- Conduct inspections
- Take enforcement actions
- Interact in appeals and variance process
- Keep records
- Collect fees
- Investigate complaints
- Maintain and update administrative forms

Understand the Regulations

A sound working knowledge of the general and technical provisions of the various local regulations is essential to enable the administrator to explain them to others, to review permit applications for compliance, and to provide adequate interpretations.

Review Permit Applications

The administrator’s primary role is to review permit applications for compliance with applicable local regulations. In performing this duty, the administrator must be able to assess the accuracy and completeness of the application package and to evaluate site plans, topographic data, building design plans, and other technical data.

Determine Compliance/Noncompliance

The administrator must evaluate application information in relation to the technical requirements of the ordinance, in order to be able to decide whether to deny or approve the permit. Identifying deficiencies and formulating corrective strategies are important functions in this process.

Coordinate Permit Review with Other Community Officials

All or portions of the responsibility for permit review may reside in other administrative offices, such as public works, planning and zoning, code enforcement, or housing departments. Depending on duties, the administrator may be involved in the coordination of these permit reviews.

Conduct Inspections

The administrator or the designated community official must be able to perform periodic and timely on-site inspections to confirm visually that development is taking place according to the approved plans.

Take Enforcement Actions

When non-compliant activities are uncovered, the administrator must take the necessary actions to resolve the situation. This may involve the issuance of stop-work orders or other violation notices, the coordination of enforcement procedures with the community's attorney, or, on rare occasion, appearing in court.

Interacting with Appeals and Variance Procedures

The administrator should be in a position to advise permit applicants of established appeals and variance procedures and requirements, and to provide information to review boards concerning cases before them.

Keep Records

Permit information on properties, findings of fact relative to appeals and variances, studies, data, and other information pertaining to the issuance of permits must be maintained at the local level. These records, or at least a summary, must be organized by a geographical code, such as section, lot and block, or property identification number, in order to be readily accessible for review and inquiries.

Collect Fees

The administrator may be involved in collecting fees for permit reviews or variance requests, as well as for other administrative actions, if required by the community.

Investigate Complaints

The administrator must evaluate complaints, conduct necessary investigations, and act upon them.

Maintain and Update Administrative Forms

Permit applications, variance requests, and other administrative forms should be kept current and in sufficient supply.

B. Responsibilities of Florida Officials

Operationally, the local administrator administers the floodplain management ordinance, as they would any other land use control ordinance, except that the added factor of flood risk has to be considered in reviewing development or use proposals. Certain requirements have to be met before permits or other approvals can be granted.

The Florida Division of Emergency Management, the state coordinating agency for the National Flood Insurance Program, has identified nine fundamental responsibilities for the local official administering the community's floodplain management ordinance. Included in these responsibilities are procedures to ensure that the specific requirements of the NFIP and the State of Florida are addressed in the administration of the local ordinance.

The local administrator is tasked with carrying out many of the commitments the community made to participate in the National Flood Insurance Program and any additional state floodplain management requirements.

A *general overview* of the nine responsibilities will be provided here. A more detailed discussion of these responsibilities is provided in subsequent units of this course.



Nine Fundamental Responsibilities

- Review applications
- Provide base flood data
- Review plans and specifications
- Ensure that all other permits are obtained
- Notify of watercourse alterations
- Issue or deny permits
- Inspect development
- Keep records
- Remedy violations

Review Applications

New Term

SFHA

Reviewing all floodplain development permit applications is one of the most important responsibilities of the local administrator. The administrator determines if the provisions of the community's floodplain management ordinance apply by determining whether the proposed development is in a Special Flood Hazard Area (SFHA). A **SFHA** is land in the floodplain that has a one percent or greater chance of flooding in any given year, as specifically identified in the community's Flood Insurance Study report and on floodplain maps provided by the NFIP. If the development is located in the floodway portion of the area, then additional ordinance provisions will have to be met (see floodway definition in Appendix B).

Provide Base Flood Data

New Terms

- BFE
- Base flood
- 100-year flood

Within the SFHA, all new construction, substantial improvement, or restoration of substantially damaged residential structures must have the lowest floor (including basement) elevated to or above the identified base flood elevation (**BFE**). The base flood elevation is the elevation of the crest of a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the **base flood** or **100-year flood**. Non-residential structures have the option of being elevated or made watertight (floodproofed) to meet this standard. The administrator determines the BFE for the site of the proposed development and either provides this data to the applicant or reviews the permit application to determine if the owner or their representative is using the correct data.

Review Plans and Specifications

The administrator reviews the plans and specifications to ensure that the requirements of the ordinance are met, including the location of the structure, accessory structures, well, septic system, tanks, etc., in relation to the regulated floodplain and floodway. Also, the administrator checks to see that the foundation is designed with adequate openings that allow free inflow and outflow of water to equalize hydrostatic pressures; the mechanical and electrical equipment are elevated or floodproofed; and other detailed requirements are met.

Ensure that All Other Permits Are Obtained

The administrator advises the applicant of the need for any additional local, state, or federal permits for the proposed development. The

administrator may have copies of the permit application forms or advises whom to contact. In particular, permits may be required from the U.S. Army Corps of Engineers. Under Section 404 of PL 92-500, the federal Water Pollution Control Act of 1972, permits are required if the proposed development involves the placement of any fill material into bodies of water or wetlands, or if it affects a navigable body of water. In coastal Florida, floodplain development often may require permits from the Florida Department of Environmental Protection, under the Florida Beach and Shore Preservation Act.



Notify of Watercourse Alterations

The administrator notifies adjacent communities and the Florida Division of Emergency Management prior to any alteration or relocation of a watercourse. Evidence of such notification is also submitted to the FEMA regional office.

Issue or Deny Permits

The administrator issues a development permit if all provisions of the floodplain management ordinance and other local ordinances are met, or if certain changes are made or conditions met. The permit is denied if the proposed development or use is not permitted by the ordinance or cannot be modified to comply.

Inspect Development

The administrator makes inspections to ensure the work is being done according to the provisions of the ordinance and the approved site plans and the terms of the permit. It is important to verify that:

- The development is taking place outside the floodway.
- The foundation is being constructed properly (i.e., is properly elevated plus has adequate openings).
- Any portion of the structure below the base flood elevation is constructed of flood resistant materials.
- Utilities and other systems are located above the base flood elevation so as not to be impaired by floodwater.

Keep Records

Record keeping is an extremely important part of the ordinance administration process. A project file should be kept for each development permit application. This file should contain:

- A copy of the permit application.
- Copies of all pertinent correspondence relating to the project.
- Documentation of inspections of the development.
- Certification forms for lowest floor elevations and for any floodproofing measures.
- If in the floodway, a no-impact certification.
- If in a V Zone, the V-Zone Anchoring and Design Certification.
- Copies of other required permits.
- If a variance was issued, all supporting justification.

The administrator should maintain an adequate supply of maps showing the community's Special Flood Hazard Areas for administrative purposes and for use by the public. All map corrections and notices of map revisions should be recorded and denoted on administrative maps, with the details kept close-by in an indexed file. Be sure to keep old FIRMs after revisions or restudies. Insurance rates are based on the flood zone and depth at the time of construction.

Remedy Violations

If the local administrator becomes aware that development is occurring in the floodplain without a permit or contrary to the permitted plans, it is necessary to take steps to bring the development or use into compliance with the floodplain management ordinance. **Enforcement must not be taken lightly.** Proper enforcement sends a message that the community is serious in its implementation of flood protective and other floodplain management objectives and towards its agreement to participate in the National Flood Insurance Program.



Please complete the Unit Learning Exercise before proceeding.

Unit Learning Exercise



Purpose: To become familiar with the roles and responsibilities of the official designated to administer the community’s floodplain management ordinance.

Directions: Review the following checklist that lists the duties of the floodplain management administrator. Enter an “X” next to each duty that you perform.

Duties of the Floodplain Management Administrator	
_____	1. Evaluate site plans, topographic data, and building design plans.
_____	2. Evaluate permit application information in relation to the technical requirements of the ordinance.
_____	3. Advise permit applicants of established appeals and variance procedural requirements.
_____	4. Determine if a development will take place in a designated flood hazard area.
_____	5. Interpret floodplain boundaries.
_____	6. Provide base flood elevation data when available.
_____	7. Issue or deny permits.
_____	8. Advise applicants of other permits or approvals that may be necessary.
_____	9. Coordinate permit review process with other community officials.
_____	10. Collect fees for permit reviews and variance requests.
_____	11. Maintain a supply of permit applications, administrative forms, and maps.
_____	12. Coordinate map appeals and revisions.
_____	13. Disseminate floodplain management information.
_____	14. Inspect development in progress.
_____	15. Maintain records of floodplain development, including number of floodplain permits granted, documentation of variance actions, and copies of certification forms and required permits.
_____	16. Investigate violations.
_____	17. Provide required notifications of changes in existing watercourses.

Answers will vary according to the duties and responsibilities assigned by the jurisdiction. For those duties listed that are not part of your job, you should be aware of the office where each duty or responsibility exists within your jurisdiction.