

# YOUR COMMUNITY'S FLOODPLAIN MANAGEMENT ORDINANCE

## BACKGROUND

The National Flood Insurance Program (NFIP) is based on an agreement between the Federal government and participating communities that if the community adopts and enforces adequate floodplain management regulations, the Federal government makes flood insurance available to residents. These include minimum building design and construction standards for structures located in Special Flood Hazard Areas (SFHAs). Through their floodplain management ordinances, communities adopt the NFIP design performance standards for buildings located in floodprone areas identified on the Flood Insurance Rate Maps (FIRMs).

Floodplain regulations are found in local flood damage prevention ordinances. Related regulations are found in zoning codes, building codes, subdivision regulations, and "stand alone" ordinances.

## IMPORTANCE OF UPDATING/ ENFORCING FLOODPLAIN MANAGEMENT ORDINANCES

Successful partnerships between FEMA and communities require that communities update and enforce their ordinances when appropriate. If a community does not fulfill its NFIP obligations to the Federal government and allows construction in violation of its regulations, repercussions may include:

- New buildings will be built subject to flood damage.
- Insurance on an improperly constructed building may be very expensive.
- FEMA can impose sanctions on the community to encourage it to correct its floodplain management program. These sanctions can include probation or suspension from the Program. (In these cases, flood insurance may not be available, existing policies may not be renewed, Federal grants or loans may not be given for development within the SFHA, Federal disaster assistance may not be available to repair buildings located in SFHAs, and federal mortgage insurances or loans may not be guaranteed in SFHAs).

## GEORGIA SPECIFICS

The NFIP encourages communities to adopt floodplain management ordinances that exceed the minimum NFIP criteria. In some instances, the State of Georgia has

exceeded these minimum requirements. The State of Georgia has available both Coastal and Riverine model floodplain ordinances. If your community used older models in the drafting of its ordinance, it is likely that amendments will be needed with the issuance of new effective Flood Insurance Rate Maps (FIRMs).

## APPLICABLE REGULATIONS: WHEN TO UPDATE YOUR COMMUNITY'S ORDINANCE

Ordinance requirements are found under Title 44 of the Code of Federal Regulations. Specifically, you are required to review and, if needed, amend your community's floodplain management ordinances under the following circumstances:

If you are given new flood data/maps by FEMA, you have six months to update your ordinance to adopt the data and the regulatory requirements appropriate for that level of data. The requirements read:

*44 CFR 60.2 (a) A floodprone community...will be given a period of six months from the date the Administrator provides the data set forth in § 60.3 (b), (c), (d), (e), or (f), in which to meet the requirements of the applicable paragraph.*

If your community is notified of changes in the Federal or State laws and/or regulations that require changing the floodplain management ordinance, revisions must be completed within six months.

*44 CFR 60.7 From time to time, Part 60 may be revised as experience is acquired under the Program and new information becomes available. Communities will be given 6 months from the effective date of any new regulation to revise their floodplain management regulations to comply with any such changes.*

Periodically, the NFIP regulations are revised to incorporate new requirements or clarify old ones and require local ordinance amendments. These changes are published in the *Federal Register*. **Your community may or may not have made the amendments needed to stay updated.** Check with your NFIP coordinator or FEMA Regional Office to verify that your ordinance is currently in full compliance with the latest NFIP regulations.

## For more information

For more information regarding updating your local floodplain ordinance, please contact your Georgia Floodplain Management Office: Joe Martinenza, NFIP State Coordinator at 470-938-3355 or [Joseph.Martinenza@dnr.ga.gov](mailto:Joseph.Martinenza@dnr.ga.gov).