

SECOND REGULAR SESSION

# HOUSE BILL NO. 2482

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUTH.

5452H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 49.600, 49.605, and 49.610, RSMo, and to enact in lieu thereof two new sections relating to flood insurance.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 49.600, 49.605, and 49.610, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 49.600 and 49.605, to read as follows:

49.600. 1. ~~[The county commission, in all counties which have not adopted county planning and zoning, may]~~ **Each county, city, town, or village that contains any portion of a Special Flood Hazard Area, as designated by the Federal Emergency Management Agency, shall**, as provided by law, adopt or rescind by order or ordinance regulations to require compliance with Federal Emergency Management Agency standards, necessary to comply with the national flood insurance program, in any **Special Flood Hazard Area** designated by the Federal Emergency Management Agency~~]; provided, however, that no ordinance or order enacted pursuant to this section in any county shall be effective unless the county commission or governing body of the county submits to the voters of a county, at a county or state general, primary or special election, a proposal to authorize the county commission or governing body of the county to adopt such an order or ordinance.~~

~~2. The ballot of submission shall contain but need not be limited to the following language:~~

~~Shall the county of \_\_\_\_\_ enact an order or ordinance for such regulations as required for compliance with Federal Emergency Management standards,~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 ~~necessary to comply with the national flood insurance program, in any flood~~  
18 ~~hazard area designated by the Federal Emergency Management Agency?~~

19 ~~\_\_\_\_\_  YES \_\_\_\_\_  NO~~

20 ~~\_\_\_\_\_ If you are in favor of the question, place an "X" in the box opposite "YES". If you~~  
21 ~~are opposed to the question, place an "X" in the box opposite "NO".~~

22

23 ~~If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor~~  
24 ~~of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a~~  
25 ~~majority of the votes cast by the qualified voters voting are opposed to the proposal, then the~~  
26 ~~governing body of the county shall have no power to adopt such an order or ordinance. The~~  
27 ~~people of a county covered by sections 49.600 to 49.615 may rescind the order or ordinance~~  
28 ~~regulations by presenting an initiative petition to the county commission of the county, with a~~  
29 ~~minimum of five percent of the registered voters' signatures that voted in the last gubernatorial~~  
30 ~~election. After receiving the qualifying initiative petition the county commission shall place on~~  
31 ~~the ballot at the next general election the following:~~

32 ~~\_\_\_\_\_ Shall national flood insurance programs be adopted in \_\_\_\_\_ County?~~

33 ~~\_\_\_\_\_  YES \_\_\_\_\_  NO~~

34

35 ~~If a majority of those voting vote for adopting the national flood insurance program, the program~~  
36 ~~shall be continued; if a majority of those voting vote against adopting the national flood~~  
37 ~~insurance program, the program shall be discontinued within thirty days after certification of the~~  
38 ~~election results].~~

39 ~~[3-] 2.~~ The provisions of this section shall not apply to the [incorporated portions of the  
40 ~~counties, or to the] raising of livestock, crops, orchards, or forestry[;] . Nor **shall this section**  
41 **apply** to seasonal or temporary impoundments used for rice farming or flood irrigation. As used  
42 in this section, the term "rice farming or flood irrigation" means small berms of no more than  
43 eighteen inches high that are placed around a field to hold water for use for growing rice or for  
44 flood irrigation. Nor shall this section apply to the erection, maintenance, repair, alteration, or  
45 extension of farm buildings or farm structures used for such purposes in an area not within the  
46 area shown on the **Special** Flood Hazard Area map. Nor shall this section apply to underground  
47 mining where entrance is through an existing shaft or shafts or through a shaft or shafts in an area  
48 not within the area shown on the **Special** Flood Hazard Area map.~~

49 ~~[4-] 3.~~ Levee districts organized pursuant to chapter 245 and drainage districts organized  
50 pursuant to chapters 242 and 243 are subject to flood plain management regulations adopted by  
51 a county pursuant to this chapter.

52 ~~[5.]~~ 4. Nothing contained in sections 49.600 to 49.615 shall affect the existence or  
 53 validity of an ordinance which a county has adopted prior to March 4, 1991.

49.605. ~~[No]~~ 1. Any permit required by the provisions of order or ordinance regulations  
 2 adopted pursuant to the provisions of sections 49.600 to 49.615 shall ~~[be denied an applicant if~~  
 3 ~~the]~~ :

4 (1) For proposed construction, use, or other development ~~[will]~~ , not raise the flood  
 5 elevation of the ~~[one hundred year]~~ **one-hundred-year** flood level more than one foot;  
 6 ~~provided, however, that any permit may]~~ ;

7 (2) For proposed commercial or industrial developments, not raise the flood  
 8 elevation of the one-hundred-year flood level more than twelve-hundredths of an inch,  
 9 which shall be determined by a documented comparison of existing and proposed  
 10 conditions directly attributable to development in the flood plain and not attributable to  
 11 manipulation of mathematical variables including, but not limited to, roughness factors,  
 12 expansion and contraction coefficients, and discharge factors; and

13 (3) Require that the lowest floor of an insurable structure ~~[shall]~~ be above the ~~[one~~  
 14 ~~hundred year]~~ **one-hundred-year** flood level and that all structures ~~[shall]~~ be adequately  
 15 anchored to prevent flotation, collapse, or lateral movement of the structure.

16 2. As used in this section, "commercial or industrial developments" means the  
 17 acquisition, clearance, grading, improving, or preparing of land for development or  
 18 construction of buildings, and fixtures thereto, including, but not limited to, distribution  
 19 centers; hotel or motels; manufacturing plants; office buildings; parking garages;  
 20 residential housing, including multifamily housing; retail establishments; or warehouses.

21

~~[49.610. Any order or ordinance regulations adopted pursuant to sections  
 2 49.600 to 49.615 shall provide that the county commission may grant individual  
 3 variances beyond the limitations prescribed by the order or ordinance regulations  
 4 upon presentation of adequate proof that compliance with the provisions of the  
 5 order or ordinance regulations will result in an exceptional hardship to applicant  
 6 or any arbitrary and unreasonable closing or prevention of any lawful  
 7 construction, use or other development in the area or county and which will not  
 8 result in additional threats to public safety and will not be inconsistent with the  
 9 objectives of sound flood plain management.]~~

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