







Easy as 1-2-3: How and Why to Update Your Floodplain Ordinance

Monthly Training

Chuck Chase



- Certified Floodplain Manager 
- MS in Management Systems 
- BS Education 
- BS Mathematics 
- Outreach Coordinator
Nebraska DNR

Elijah Kaufman



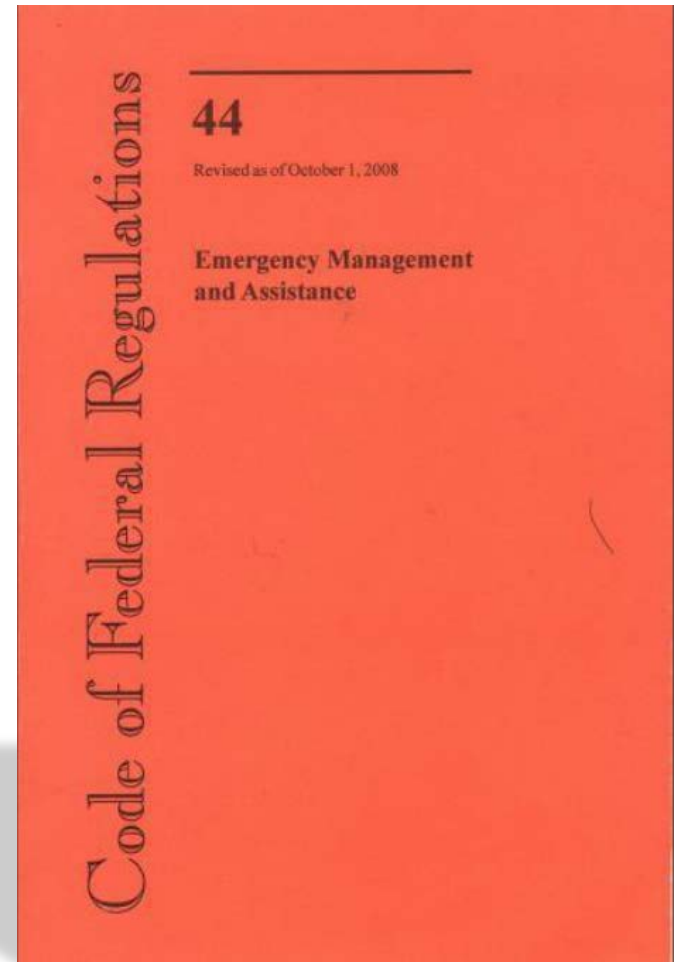
- Natural Resources Spec. II at Nebraska DNR
- Certified Floodplain Manager
- BS in Emergency Disaster Management UNO
 - Concentration in GIS

Why Pass a New Ordinance

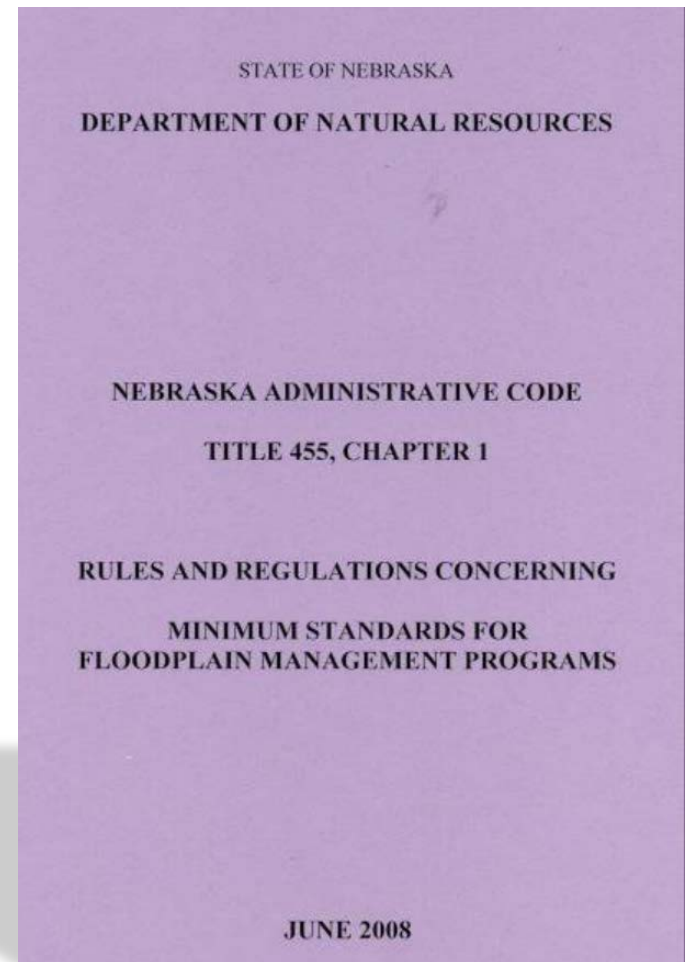
- To adopt new panels
- To make your ordinance easier to use
- To ensure it meets FEMA and State minimum standards
- Easier than fixing (or finding 😊) your old ordinance
- Using a standard ordinance can be helpful




State regulations
are based on
Title 44, Part 60.3 of
the Code of Federal
Regulations,
“44 CFR 60.3”



Nebraska Minimum
Standards for
Floodplain
Management
Programs (Nebraska
Administrative Code:
Title 455, Chapter 1)



The Process

- Board agrees to what they want in the ordinance
 - Draft ordinance is submitted to NeDNR for review
 - NeDNR submits the ordinance to FEMA for approval
 - Once approved, board passes the new ordinance
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Christy Abraham, Legal Counsel for LNM

- BS in Psychology from the University of Nebraska
- JD from the University of Nebraska
- Honored to work at the League of Nebraska Municipalities since 2016
- Previously worked as legal counsel for the Nebraska Legislature



HOW TO ENACT ORDINANCES AND RESOLUTIONS

Ordinances vs. Resolutions

- There are differences between ordinances and resolutions
- Differences of what they are and how they are treated in statute and the process is different
- Resolution creates policy
- Ordinances are municipal law

Introduction of Ordinances

- Unless the city council or board of trustees has specified other procedures, ordinances are introduced by members of the city council or village board in one of the following ways:
- A city council member or village board member, in the presence and hearing of a majority of the members elected to the city council or village board, will read aloud the substance of the proposed ordinance and file a copy with the clerk for future consideration; or
- A city council member or village board member may present the proposed ordinance to the clerk who, in the presence and hearing of a majority of the members elected to the city council or village board, will read aloud the substance of the ordinance and file it for future consideration.
- Nebraska Basic Code of Ordinances

Procedure for Resolutions

Unless the city council or village board of trustees provides otherwise, resolutions are introduced in the same method as introduction of ordinances.

Style of Ordinances and Title

- The style of all ordinances of a city of the first or second class or village shall be:
Be it ordained by the mayor and city council of the city of, or the
chairperson and board of trustees of the village of

Reading and Passage of Ordinances and Resolutions

All ordinances and resolutions require for their passage or adoption the concurrence of a majority of all members elected to the city council or village board of trustees.

Ordinances of a general or permanent nature are read by title on 3 different days unless three-fourths of the city council or village board of trustees vote to suspend this requirement

If the requirement is suspended, the ordinances are read by title and then moved for final passage.

Publication of Ordinances

All ordinances of a general nature, before they take effect, need to be published within 15 after they are passed:

- in a legal newspaper in or of general circulation in the city or village or
- by publishing in book or pamphlet form.

Publication of Ordinances (Part II)

- New law passed in 2021: LB 159 (Urban Affairs Committee)
- Allows for the publication of ordinances in “electronic form”
- Goes into effect August 28

Powers of Village Board Chairs

- The chairperson of the village board of trustees is required have the ordinances of the village printed and published for the information of the inhabitants and to carry out the ordinances

Powers of Mayors

- Mayors can veto or sign ordinances and resolutions.
- If the mayor approves, he or she signs it.
- If the mayor vetoes it, it is returned to the city council within 7 days. Two-thirds of the city council can overrule the veto.
- If mayor doesn't sign within the 7 days, it becomes effective without his or her signature.

- Most ordinances go into effect 15 days after their passage
- Emergency ordinances are allowed in cases of riot or impending danger or failure of a public utility or any other emergency. These ordinances take effect upon the proclamation of the mayor or village board chair.

Effective Dates

Enacting County Ordinances

- Counties are allowed to regulate certain subjects by ordinance
- Process of adopting ordinances is similar to municipalities
- State laws outlining process of enacting county ordinances can be found at Neb. Rev. Stat. 23-187 to 23-193
- Please contact the Nebraska Association of County Officials for more information:
402.434.5660



QUESTIONS

The Model Ordinance

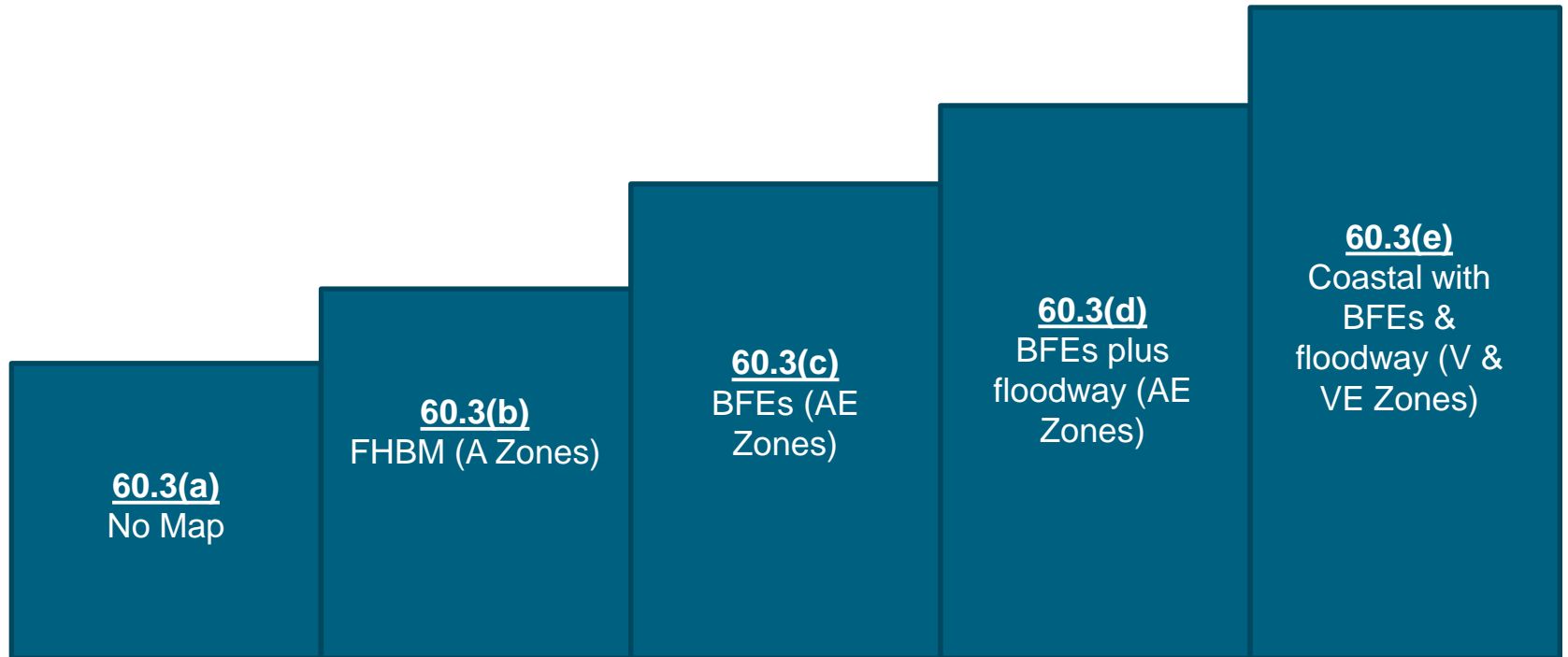
There are 3 model ordinances:

1. The 'B' ordinance is for communities that only have basic zones (Zone A)
2. The 'C' ordinance is for communities with any AE, AO, or AH, but NO FLOODWAY
3. The 'D' ordinance is for communities that have any of the above zones and floodway


We will be using the 'D' ordinance in this presentation



44 CFR 60.3



The Legal Stuff

- 1.1 STATUTORY AUTHORIZATION
 - 1.2 FINDINGS OF FACT
 - 1.3 STATEMENT OF PURPOSE
 - 1.4 ADHERENCE TO REGULATIONS
 - 2.1 LANDS TO WHICH ORDINANCE APPLIES
 - 2.2 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES
 - 2.3 COMPLIANCE
 - 2.4 ABROGATION AND GREATER RESTRICTIONS
 - 2.5 INTERPRETATION
 - 2.6 WARNING AND DISCLAIMER OF LIABILITY
 - 2.7 SEVERABILITY
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Adopting the Panels

Section 2.1- New Flood Insurance Rate Map (FIRM) Panels to adopt

Section 3.0 - New Flood Insurance Study (FIS) to adopt

Optional Language Sections 4 and 5

The Certified Floodplain Manager

- 4.1
 - If you have extensive floodplain and new development, you may want a CFM

LOMR-F

- 4.4.G
 - This section provides some protection from liability.

Penalties (not optional)

- Note: Cannot exceed \$500



Optional Language

Sections 4 and 5 (Cont.)

Prohibiting

- 5.1.C; 5.2 E & G; 5.3 A, and elsewhere
 - Work with us if you prohibit, some sub-items may need to remain

Higher Freeboard

- 5.2.A and throughout
 - You can choose a 2' Freeboard, a 1.5' Freeboard, or any Freeboard you choose.
 - But ensure that you change it to be consistent throughout the ordinance

Optional Language

Sections 4 and 5 (Cont.)

Critical Facilities

- 5.2.D
 - You may want to keep Critical Facilities out of the 0.2% Flood Zone

Accessory Structures

- 5.2.E
 - This allows for some flexibility
 - Must be smaller than a standard single story two car garage

RVs

- 5.3.G
 - For your piece of mind, I recommend you insert the word and

Sections 6, 7, and 8

Section 6.0 Nonconforming Use

Section 7.0 Amendments

Section 8.0 Definitions

Contacts

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