

2010-2 CD

January 5, 2010

**REVISION TO CHAPTER 1331.04 (B) OF THE GREENHILLS CODIFIED ORDINANCES REGARDING BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD PROVISIONS AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Greenhills has adopted an Ordinance regarding Flood Hazards with the intent that the provisions of this Ordinance are in compliance with the Flood Damage Reduction Regulations and the new Flood Insurance Study and Maps and such provisions would supersede and replace Chapter 1331.04 (B) of the Codified Ordinances; and

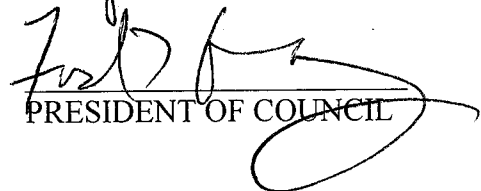
WHEREAS, it is now necessary to adopt such revisions to Section 1331.04 (B) of the Codified Ordinances.

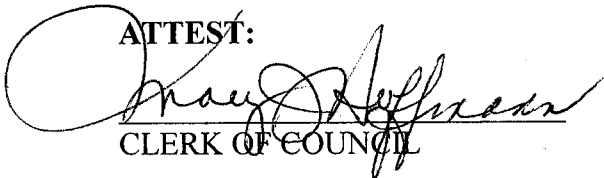
NOW, THEREFORE, be it ordained by the Council of the Village of Greenhills, Ohio, 6 members elected thereto concurring:

**Section 1.** That Section 1331.04 (B) of the Village of Greenhills Codified Ordinances is hereby amended to read "Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by FEMA in the *Flood Insurance Study Hamilton County, Ohio and Incorporated Areas* dated February 17, 2010. This study, and associated *Flood Insurance Rate Map Hamilton County, Ohio and Incorporated Areas* effective February 17, 2010 and any revisions thereto is hereby adopted by reference and declared to be part of this Chapter. The maps are on file at 11000 Winton Road, Greenhills, Ohio 45218."

**Section 2.** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the Village. The reason for said declaration of emergency is the need to establish Section 1331.04 (B) of the Codified Ordinances prior to February 17, 2010 for such provisions to be effective for the Village of Greenhills, Ohio and their participation in the Flood Insurance Program.

PASSED THIS 5th DAY OF January, 2010.

  
PRESIDENT OF COUNCIL

ATTEST:  
  
CLERK OF COUNCIL

APPROVED:  
  
\_\_\_\_\_  
MAYOR

**Jane Berry**

**From:** Bitters, Kimberly [Kimberly.Bitters@dnr.state.oh.us]  
**Sent:** Tuesday, December 15, 2009 4:41 PM  
**To:** jberry@greenhillsohio.org  
**Subject:** Greenhills Flood Regs amendment

Ms. Berry,

As you know, FEMA has issued Hamilton County and Incorporated Areas Letter of Final Determination (LFD), which tells us that the new Flood Insurance Study and maps will be effective February 17, 2010. Each NFIP participating community must update their locally adopted Flood Damage Reduction Regulations to reference the new name and date and to fully bring their regulations into federal and state compliance prior to that effective date.

After reviewing your current effective regulations (Chapter 1331 recently amended by Ordinance #2004-14 on 5-4-2004), it appears to me that a full update of Greenhills' regulations is not necessary. Instead, it would be acceptable for Greenhills to simply amend the "Basis for Establishing Areas of Special Flood Hazard". If you choose this option, please make the following change to Section 1331.04(B):

"The areas of special flood hazard have been identified by FEMA in the *Flood Insurance Study Hamilton County, Ohio and Incorporated Areas* dated February 17, 2010. This study, and associated *Flood Insurance Rate Map Hamilton County, Ohio and Incorporated Areas* effective February 17, 2010 and any revisions thereto is hereby adopted by reference and declared to be part of this chapter...."

Please send draft legislation for amendment prior to adoption.  
Thanks,

Kimberly Bitters, CFM  
Environmental Specialist  
Floodplain Management Program  
ODNR, Division of Soil and Water Resources  
Columbus, Ohio 43229  
(614) 265-6781 phone  
(614) 265-6767 fax  
Kimberly.Bitters@dnr.state.oh.us

12/15/2009

**1331.04 GENERAL PROVISIONS.**

(a) Applicability. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Greenhills as identified by Federal Emergency Management Agency, including any additional flood hazard areas annexed by Greenhills that are not identified on the effective Flood Insurance Rate Map.

(Ord. 98-2L&R. Passed 3-23-04.)

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map Hamilton County, Ohio and Incorporated Areas, Map No. 39061CO0070D, dated May 17, 2004, and any revision thereto is adopted by reference and declared to be part of this Chapter. The map is on file at 11000 Winton Road, Greenhills, Ohio. (Ord. 04-14L&R. Passed 5-4-04.)

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 1331.05(b), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this Chapter and all other applicable regulations which apply to uses within the jurisdiction of this Chapter.

(d) Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this Chapter may be in conflict with a State law, such State law shall take precedence over the Chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Greenhills, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(g) Violations and Penalties. Violation of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Greenhills. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Greenhills from taking such other lawful action as is necessary to prevent or remedy any violations. The Village of Greenhills shall prosecute any violation of this chapter in accordance with the penalties stated herein.

(Ord. 98-2L&R. Passed 2-17-98.)



**FEMA**

**NOV 4 2009**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Oscar Hoffman  
Mayor, Village of Greenhills  
11000 Winton Road  
Greenhills, Ohio 45218

Dear Mayor Hoffman:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the Village of Greenhills, Ohio, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on February 17, 2010; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with 44 Code of Federal Regulations Section 60.3(b).

As noted in FEMA's letter dated August 17, 2009, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for the Village of Greenhills. Therefore, the Village of Greenhills should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the Village of Greenhills will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Ohio Department of Natural Resources. You may contact Christopher Thoms, CFM, the NFIP State Coordinator, by telephone at (614) 265-6752, in writing at 2045 Morse Road, Building B-2, Columbus, Ohio 43229, or by electronic mail at [christopher.thoms@dnr.state.oh.us](mailto:christopher.thoms@dnr.state.oh.us).

The FEMA Regional staff in Chicago, Illinois, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the Village of Greenhills and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

SAVED LOW  
FBI!  
Oscar

The Honorable Oscar Hoffman

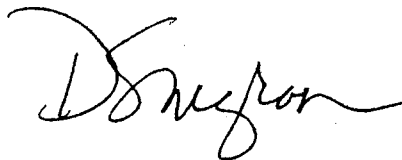
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The NFIP State Coordinating Office for your State has verified that Ohio communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until February 17, 2010, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by the FIRM effective date. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Deborah S. Ingram  
Acting Deputy Assistant Administrator  
for Mitigation  
Mitigation Directorate

Enclosure

cc: Janet M. Odeshoo, Regional Administrator, FEMA Region V  
Christopher Thoms, CFM, NFIP State Coordinator, Ohio Department of Natural Resources  
John Hester, Building Official, Village of Greenhills