

Oklahoma Floodplain Management Act



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Oklahoma Water Resources Board

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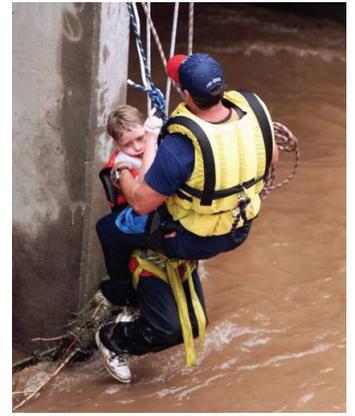
Oklahoma Floodplain Management Act

What is the Oklahoma Floodplain Management Act?

The Oklahoma Floodplain Management Act, effective May 13, 1980, and revised and updated in 2001, 2002, and 2004, enables Oklahoma communities to participate in the National Flood Insurance Program (NFIP), as authorized by the National Flood Insurance Act of 1968. This Act authorizes the OWRB to protect the natural and beneficial functions



of the floodplain; assist state agencies, local governments, and the private sector in developing local floodplain management programs and in obtaining training; and set criteria for participation in the NFIP. The Oklahoma Floodplain Management Act is found in 82 O.S., 2001, §1601-1618, as amended. The NFIP regulations are found in the latest revision of 44 CFR, established by the Federal Emergency Management Agency (FEMA).



What is the purpose of floodplain management?

Sound floodplain management practices keep people safe from harm and property safe from damage in flood events. It saves lives and reduces enormous expenditures by federal, state, and local governments to reimburse flood losses.

Are there penalties for violating provisions of the Act?

Yes. A participating local regulatory authority--such as a county, city, or town--can impose a fine. Any person violating the terms of the Oklahoma Floodplain Management Act may be guilty of a misdemeanor. A misdemeanor is punishable by imprisonment in a county jail not longer than one year, or by a fine not exceeding \$500 for each day of violation, or both. The actual fine or jail time will be dependent on each community's penal code.



National Flood Insurance Program (NFIP)

What is the National Flood Insurance Program?

Recognizing the personal and economic hardship caused by flood disasters, the Federal Government and private insurance companies coordinate a program with state and local governments to make affordable flood insurance available to communities that adopt floodplain management regulations.

Who administers the program in Oklahoma?

The Oklahoma Water Resources Board (OWRB) administers the NFIP in cooperation with FEMA and acts as the State Floodplain Board. The Oklahoma Floodplain Management Act requires the OWRB to establish regulations to assist floodplain boards in mapping floodplains and 100-year flood elevations in Oklahoma.

Who is the floodplain administrator?

"Floodplain administrator" means a person accredited by the Oklahoma Water Resources Board and designated by a floodplain board to administer and implement laws and regulations relating to the management of floodplains.

What constitutes an accredited floodplain administrator?

The OWRB may consider the knowledge, experiences, skills, and training of an applicant in floodplain management. Accreditation standards may include the passage of an examination, completion of approved training, or certification by a nationally recognized floodplain management organization. Annual training may be required for continued accreditation.

How does a community become eligible for the NFIP?

- Entities establish eligibility by adopting ordinances, codes, or resolutions that include regulations for the following: platting land; building homes, apartments, commercial or industrial structures; constructing any barrier in the floodplain that may divert, retard, or obstruct floodwater;
- establishing minimum flood protection elevations and flood prevention requirements for structures in the floodplain;
- coordinating the floodplain board with all other political subdivisions and state agencies; and
- hiring and employing an accredited floodplain administrator.

Local Floodplain Boards

What is a local floodplain board?

Municipal and county floodplain boards are composed of five members who are residents of the city or county in which they serve. They are required to adopt, administer, and enforce floodplain regulations.



Who establishes local floodplain boards?

The OWRB, boards of county commissioners, and municipal governing bodies (such as city councils, planning commissions, county commissioners, or boards of trustees) are authorized to establish local floodplain boards.



What are the responsibilities of local floodplain boards?

Floodplain boards set out regulations to identify floodplains and floodways, keep the floodplain open to carry and discharge floodwaters, minimize flood hazards, and establish sound land use practices in the floodplain. They submit to the OWRB a floodplain map defining land that may be floodprone within their jurisdiction.

How do floodplain boards adopt regulations?

Floodplain boards must hold public hearings and provide written notice of hearings in a local newspaper at least 30 days in advance. The OWRB must receive notice and a copy of every proposed rule at least 30 days in advance. Also, a copy of any regulation adopted by a floodplain board shall be filed with the OWRB within 15 days of its adoption.

What is the 1% chance flood?

This term describes a flood that has a one percent chance of occurring each year based upon criteria developed by FEMA. Historically this has been referred to as the “100-year flood,” but this term can be misleading.



Are any exceptions allowed, once regulations are adopted?

Floodplain development permits may be allowed if the floodplain board with jurisdiction determines that the construction would not endanger persons or property.

Does a community have to join the NFIP?

No, but only member communities are eligible to receive Hazard Mitigation Grant Program funds and other types of disaster assistance.

Are existing prior structures allowed to remain?

Any structure or use that exists prior to adoption of regulations may continue, but cannot be substantially changed, enlarged, or altered unless it is brought into compliance with minimum standards.

Will new structures, fills or excavations be allowed?

Without the written authorization of the local floodplain board, no new uses will be allowed in a floodprone area that do not comply with the local floodplain management regulations or ordinances.

Are variances allowed?

Variances may be allowed if compliance constitutes unreasonable and arbitrary taking of property without sufficient benefit to the people. No variance can be granted if doing so would create or continue a flood hazard. There is a \$25 filing fee for seeking a variance. The floodplain board will conduct a hearing to consider the request. A copy of any variance issued must be sent to the OWRB within 15 days.



Can a floodplain board charge fees for floodplain permit applications?

Yes. A floodplain board can charge reasonable fees not to exceed \$500 for services provided by the board, commissioners and municipalities in the administration of their program.

How can a citizen appeal a decision of the floodplain board?

Anyone who disagrees with a decision of the floodplain board may appeal to the local board of adjustment within 10 days. Any applicant affected by the ruling of the floodplain manager or floodplain board may submit a written request for an appeal. The board of adjustment (or other appellant body) has the power to reverse or affirm the order or portions of it or to modify the order.

Can I be appointed to a local floodplain board?

Yes, if you own property (real estate) and live in the community of concern. If you are interested in serving on a floodplain board, contact your local city, town, or county official or your local floodplain administrator.

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